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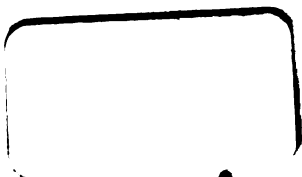
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OF GORTYNA IN KRETE.

TEXT, TRANSLATION, COMMENT.

AUGUSTUS C. MERRIAM.

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LAW CODE OF THE KRETAN GORTYNA.

Gortyna
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LAW CODE OF THE KRETAN GORTYNA.

I.

"Tell me, Stranger," says the Athenian to the Kretan Kleinias in Plato's *Laws*, "is God or a man supposed to be the author of your laws?" "God, Sir Stranger; in the truest sense they may be said to be the work of God; for among us Kretans the author of them is held to be Zeus." "And do you believe, as Homer says, that Minos went every ninth year to converse with his Olympian sire, and made laws for your cities in accordance with his sacred words?" "Yes, that is our tradition; and there was Rhadamanthos, a brother of his, with whose name you are familiar; he also is reputed to have been the justest of men, and we Kretans are of opinion that he derived his reputation from his righteous administration of justice when he was alive." Likewise in the *Minos* it is asserted that the best laws come from Krete, for they were the most ancient in Hellas, having been laid down by Minos and Rhadamanthos, in consequence of which Krete was prosperous for all time, and also Lakadaimon, from the time she received her laws from Krete. Strabo and others speak in the same strain, regarding Krete as the original source of the best laws, from which the best in other parts of Hellas were derived. It was a favorite belief that the famous lawgivers, Lykurgos, Solon, Onomakritos, Zaleukos, Charondas, had either visited Krete and studied the system of laws there, or had borrowed largely from them.

Had the works of Ephoros, Dosiadas, Kallistratos, Sosikrates, been preserved to our day, we should have been better able to criticize a system so famous; but the scattered and fragmentary quotations we have, and the brevity of Aristotle, furnish us with scarcely more than an occasional stone from the great structure. The Pseudo-Platonic *Minos* makes two great divisions of their law, as was natural (cf. Dem. 760); one which Minos himself laid down and presided over, the kingly, the science of government and state

JAN 3 1 1935

polity; the other, that which as subordinate to the kingly art he intrusted to Rhadamanthos, court procedure, rendering justice as between man and man, defining the rights of individuals and their possessions, and the means of rendering them secure. The scanty notices of the Kretan system that have reached us are almost exclusively devoted to the first of these divisions. As to the province of Rhadamanthos we have hitherto been left to conjecture or inference, for all its details. But by a strange and happy chance we have now come into possession of a long memorial handed down almost intact from an early period, in which we find the minutest rules laid down for the guidance of any Kretan Rhadamanthos that might be called to sit in judgment upon the disputes of his fellow-citizens.

Gortyna was one of the trio of great Kretan towns, and is called by Homer the well-walled. It is said to have been one of the earliest Dorian settlements in the island, and rivalled Lyttos in the fidelity with which it clung to the institutions of its early days. Through its whole length, according to Strabo, flowed the river Lethaios. Its site has been known for a long time, as identified by early travellers from numerous remains, and the so-called Labyrinth in its neighborhood. As long ago as 1857 M. Thenon discovered an inscribed stone built into the walls of a mill on the banks of the Lethaios, and succeeded in purchasing it for the Louvre, where it now remains. Its archaic letters written in *boustrophedon* style, and the difficulty of deciphering its meaning, made the inscription an object of interest; but it was not till 1878 that M. Bréal succeeded in extracting a satisfactory sense, when he proved that it treated of the adoption of children. In 1879 M. Haussoullier saw and copied a similar fragment in the house of a person living near the mill, and this was found to relate to the rights of heiresses.

During July, 1884, the place was visited by Dr. Halbherr, a pupil of Comparetti, and, as the water chanced at the time to be drawn off from the mill, some letters were pointed out to him near the top of a wall, over which ran a channel of the stream, a short distance below the mill. Digging a trench along the inner side of this wall, he discovered that the inscription comprised within his reach four columns, of which the last to the left was not completely filled at the bottom, showing that it was the end in that direction, but it continued beyond to the right, into a field in which he could not obtain permission to dig. The inscription was cut with remarkable precision and care directly upon the layers of stone in the wall, which

was of archaic construction, laid up without cement. It was already known that the fragments copied by Haussoullier and Thenon had come from this stream, and they were now found to have been taken from this wall and to form the upper layers of the inscription, fitting to it and supplying missing parts (cols. 8, 9, 11). Halbherr, after copying the four columns in two days, returned to Candia, where he met Dr. Fabricius who had been travelling in western Krete in the interest of the German Institute at Athens, to whom he communicated his discovery. Fabricius repaired to the spot towards the end of October, and prevailed upon the owner of the field to let him run a trench along the wall as far as the inscription extended; and he disclosed eight more columns which were in a remarkable state of preservation, the beginning being certainly found. Each column consists of 53, 54, or 55 lines, covering four layers of stone in height (about 5 feet), and some 30 feet in length. The wall proved to be that of a circular structure, which, if the circle was complete, would have had a diameter of nearly 100 feet. What the structure might have been was not ascertained. Dr. Halbherr received permission from the Italian government and the Pasha of Krete to unearth the whole this summer, but no additional inscriptions were discovered. His re-reading of the code, however, may settle several disputed points, when the results are known. The manner of its recording reminds us of the expression of Plato, about tyrants and masters who command and threaten, and "after writing their decrees on walls" go their ways (Legg. 859; cf. Andok. Myst. 84-5). The Gortynian lawgiver went his way, and we know him not save his works. But his works make us admire and love him. Not that all which we find in his code is to be attributed to his genius and heart; for the ancient unwritten law which we must certainly grant to that people had already been reduced to writing, and our lawgiver was at least a second to codify and inscribe. But very much that is novel, and perhaps the greater part of that which appeals to us so forcibly for its justice, its deep-hearted humanity, its respect for the rights of the woman and the slave, the child and the orphan,—so striking in their contrast with the boasted Athenian spirit, even the Platonic,—must have been his. We seem to see the heart of a Homer trained to the law, evolving the deepest ponderings upon the rights of individuals and property. The consideration for women and slaves exhibited so often in the Homeric poems, we have known to exist in a degree, for the former at least, in Sparta and along the coast of

Asia Minor; but Krete was a closed book to us. In the code, even as in the Homeric poems, we are struck by frequent contrasts of naïveté and deep reflection, the antique and the modern, of stunted growth and far reaching advance. The Satyr-element is Doric, pre-eminently Kretan, not Homeric.

Naturally, we seek eagerly for the age of this life-revealing document, as we do for that of the Homeric poems; as with them, we find no certain answer. Kirchhoff thought from its epigraphic character that it was not older than the middle of the fifth century B. C.; but we know how untrustworthy within certain limits arguments based upon epigraphic deductions must be held. The alphabet is the eldest known to us among the Greeks, containing no character which the Phœnicians did not transmit to them, except Υ , and the forms of the letters are among the most archaic. It has no Φ , χ , Ψ , Ξ , η or Ω ; Π is a semicircle, λ a curved line like our S. Krete from her position and history must have been among the first to receive writing from Phœnicia or her agents. If we accept the common Greek belief, that the first code of laws to be reduced to writing among them was that of Zaleukos, 660 B. C., we have an upward limit for our inscription. Comparetti has well said that the seventh and sixth centuries were notable for their impulse towards fixing and codifying laws in Hellas, and all tradition seems to show that Krete would hardly be among the latest to act upon this impulse. The formal reduction to visible symbols seems to have caught their fancy and held it. The laws are writings, *γράφματα*, the provisions are, "as it is written," *ἐγράφται*. Although this code and a previous one had been written, it was not common to employ writing. Witnesses are summoned orally, facts are "pointed out" before witnesses, they give their testimony orally, the complainant charges and the judge pronounces sentence orally. No court-records appear to be kept, or wills permitted; legacies are probably given by word of mouth in the presence of witnesses, as adoption takes place by public oral acknowledgment. Appeal to the gods by oath as a last resort is as binding as in the days of Rhadamanthos, not the age of Plato.

Turning to the language itself, we see at first glance the distance which separates it from that of the Kretan inscriptions of the third and second century B. C. They are almost powerless to help us in

¹ Represented respectively by π , κ , $\pi\sigma$, $\kappa\sigma$, ϵ , \omicron . Fabricius has been followed in changing these to the ordinary forms.

the smallest degree, amid the extreme difficulties of the text. It is rare indeed that one of its peculiar words is to be found among them. The changes made in the language at Athens within the space of two centuries after the laws of Solon were written, as dwelt upon by Lysias, are small indeed as compared with the changes from our code to the later inscriptions. And yet, we know not how sudden and powerful was the effect of Hellenization upon the island under the Makedonian and Ptolemaic rule, or how much belongs to the gradual influence of trade and of returning mercenaries from abroad. But the impression left upon us of the condition of the times, narrow and domestic as it is in the code, is far different from the picture presented by Aristotle. On the whole, in the present state of our knowledge, I incline to the Solonian period as the most probable for our inscription.

The dual copying of the inscription led to a dual and contemporaneous publication of it by Fabricius and Comparetti. That of Fabricius (F.) appeared in the *Mittheilungen* of the German Institute, 1884, pp. 363–384, with a fac-simile of the copy, the same reduced to a cursive text, and a description of the find. No commentary whatever accompanied the article. Upon this as a basis I began my study of the document, and made my translation and notes. Since these were completed I have had the advantage of consulting Comparetti's *Leggi Antiche di Gortyna* (C.), text, version, notes, and copy; a translation by Dareste, *La Loi de Gortyne* (D.), (Bulletin

TEXT.

- I ὅς κ' ἐλευθέρω ἢ δώλῳ μέλλῃ ἀνφιμολῆν, πρὸ δίκας μὴ ἄγεν· αἱ δ-
 έ κ' ἄγῃ, καταδικαζάτω τῷ ἐλευθέρῳ δέκα στατήρας, τῷ δώλῳ πέντ-
 5 ε ὅτι ἄγει, καὶ δικαζάτω λαγᾶσαι | ἐν ταῖς τρισὶ ἡμέραις. αἱ [δέ] κα
 μὴ [λαγ]ᾶσαι, καταδικαδδέτω τῷ μὲν | ἐλευθέρῳ στατήρα, τῷ δώλῳ [δα]ρχν-
 10 ἀν τ[ᾶς] ἡμέρας ἑκάστας, πρὶν κα λα||γάσῃ· τῷ δὲ χρόνῳ τὸν δι[κα]στ-
 ἀν δ[μ]νύντα κρίνεν. αἱ δ' ἀννίοιτο | μὴ ἄγεν, τὸν δικαστὰν ὀμνύντ-
 α χρ[ε]ῖνεν, αἱ μὴ ἀποφωνίοι μαῖτους. | αἱ δέ κα μολῇ ὁ μὲν ἐλεύθ[ερ]ον

I. 5. ὅτι ἀγῃ F.; ὅτι ἄγει C.; ὅτι ἄγει: so also BZ., BB.—14. ἐλεύθερον C.; ἐλευ-
 θέρων F.

de Correspondance Hellénique, 1885, pp. 301–317); *Das Recht von Gortyn*, F. Bücheler and E. Zitelmann (BZ.), (Ergänzungsheft of the Rheinisches Museum, pp. x, 1–180), especially full on the judicial side of the subject; *Die Inschrift von Gortyn*, J. and T. Baunack (BB.), pp. vi, 167, fuller in the verbal part; *Zu den Gesetztafeln von Gortyn*, F. Blass (Neue Jahrbücher, 1885, pp. 479–485). The following I have not seen: *Altes Stadtrecht von Gortyn auf Kreta*, H. Lewy, Berlin, 1885; and *Einige Antiquarische Bemerkungen zu dem Codex des Privatrechts von Gortyn*, C. Wachsmuth, Nachr. v. d. ges. d. Wiss. zu Göttingen, 1885, No. 5.

Amid so much that was new and unknown, it was no easy task to establish a text and explain the law. No single person could well be expected to accomplish this, and none has done so; but the combined studies of all have achieved much, though much may yet be said, as much remains debatable. Many fond conceptions lie abandoned on the way, among which I see several of my own, eliminated by subsequent study or the arguments of others. I have followed in the main the text of Fabricius, but have made or accepted any changes of importance to the sense and construction that appealed to my best judgment, and have inserted corresponding alterations in translation and notes, but have always given credit for assistance obtained from others. The supplemental remarks in brackets may assist in that study of the code which my work is mainly intended to stimulate.

TRANSLATION.

Whoever intends to bring suit in relation to a free man or a slave, shall not take action by seizure before trial; but, if he do seize him, let the judge fine him 10 staters for the free man, 5 for the slave, because he seizes him, and let him adjudge that he shall release him within three days. But, if he do not release him, let the judge sentence him to a stater for a free man, a drachma for a slave, each day until he shall have released him; and according to the time (of non-payment) the judge shall decide, confirming it by oath. But, if he should deny that he made the seizure, the judge shall render decision with confirmatory oath, unless a witness tes-

Suit for ownership of a Slave or one so claimed.

- 15 ὁ δ[ἐ δ]ῶλον, καρτόνας ἤμεν| [ὑτερο]ί x' ἐλεύθερον ἀποφωνίων—
 τι. αἱ δέ x' ἀνφί δῶλῳ μολίωντι| φωνίοντες Fὸν Fεκάτερος ἤμ—
 20 εν, αἱ μέν κα μαῖτυς ἀποφωνῇ, x||ατά τὸν μαῖτυρα δικάδδεν, αἱ
 δέ x' ἡ ἀνφοτέροις ἀποφωνίωσι| ἡ μηδ' ἀτέρῳ, τὸν δικαστὰν ὁ—
 μνύντα κρίνεν. ἡ δέ κα νικαθῇ| ὁ| ἔχων, [τ]ὸμ μὲν ἐλεύθερον λαγ—
 25 άσαι τῶν πέ[ν]τ' ἡμερῶν, τὸν δὲ δῶ[λ]ον| ἐς χέραν ἀποδόμεν· αἱ δὲ
 κα μὴ λαγάσῃ ἡ μὴ ἀποδῶ, δικακ|σάτω νικῇν τῶ μὲν ἐλευθέρῳ
 30 πεντήκοντα στατήρην καὶ σ||τατήρη τῆς ἡμέρας Fεκάστ—
 ας πρίν κα λαγάσῃ, τῶ δὲ δῶλῳ| δέκα στατήρην καὶ δαργῆν
 τῆς ἡμέρας Fεκάστας πρίν x' ἀποδῶ ἐς χέραν. ἡ δέ κα κατὰ—
 35 κᾶξῃ ὁ δικαστὴς, ἐνιαυτῷ π|ράδδῃσθαι τὰ τρίτῃ ἡ μεῖον,
 πλὴον δὲ μῆ· τῶ δὲ χρόνῳ τὸν δι|καστὰν ὁμνύντα κρίνεν. αἱ δέ
 40 κα ναεῦῃ ὁ δῶλος, ὦ κα νικαθῇ||ε, καλίῳν ἀντὶ ματῦρων δυῶν δ—
 ρομέων ἐλευθέρων ἀποδειξάτ|ω ἐπὶ τῷ ναῦ ὅπῃ κα ναεῦῃ ἡ α—
 ὑτὸς ἡ ἄλλος πρὸ τούτῳ· αἱ δέ| κα μὴ καλῇ ἡ μὴ δεῖξῃ, κατισ—
 45 [τάτ]ω τὰ ἐ[γγραμ]μένα. αἱ δέ κα μηδ' αὐτὸν ἀποδῶ ἐν τῷ ἐνιαυτῷ
 τὰς ἀπλόους τ[ε]μῶνς ἐπικατ|αστασεῖ. αἱ δέ x' ἀποθᾶν μ—
 50 ολιόμενας τῷ δ δι[κα]ς, τὰν ἀπλ||όον τιμὰν κατιστασεῖ. Αἱ δ—
 ἔ κα κο[σμι]ών ἄγῃ ἡ κοσμίοντις ἄλλος, ἡ x' ἀποστῇ, μολῇν καὶ x—
 α νικαθῇ, κατιστάμεν ἀπ' [ἀ]ς| [ἡμέρα]ς ἄγαγε τὰ ἐγγραμένα.
 55 τὸ]ν (δ)ε νενικαμένῳ κα[ὶ τὸν κα—]
 II τακείμενον ἄγοντι ἄπατον | ἤμεν. Αἷ κα τὸν ἐλεύθερον ἡ
 τὰν ἐλευθέρων κάρτεϊ οἰφῇ, ἐκα|τὸν στατήρην καταστασεῖ, ἀ—
 5 ἰ δέ x' ἀπεταίρω δέκα, αἱ δέ x' ὁ δῶλος τὸν ἐλεύθερον ἡ τὰν ἐλευθέρων—
 ν, διπλῇ καταστασεῖ, αἱ δέ x' ἐλεύθερος Fοικέα ἡ Fοικέαν πέντε
 10 δαργῆνας, αἱ δέ κα F[ο]ικεὺς Fοικέα || ἡ Fοικέαν π[έν]τε στατήρην.
 ἐνδοθιδίαν δῶλαν αἱ κάρτεϊ δαμ|άσαιτο, δύο στατήρην κατασ—

I. 15. δῶλον C.; δῶλων F.—16. ὑτεροί Blass; πόττοι F.; ὅττοι C., BZ., BB.—17-18, ἀποφωνίοντες, F.—φωνίοντες, Fὸν Fεκατέρως ἤμεν. F., text C.—20. δικάδδεν. F., text C.—22. μηδατέρως C.—35. δικαστὰς ἐν. παρὰδῃσθαι C., BB.—36. τρίτῃ F.—ὦ κα BZ., EB.; ὅκα F.—42. ἡ ὅπῃ C.; space F.—52. ἄλλος ἡ C.—53. II.—1. απ. σ [τ]άδε? τὰ ἐγγραμένα. [αἱ κ]α ἡ νενικαμένῳ[ν] κα . . [ἡ κα]τακείμενων ἄγοντι, ἄπατον ἤμεν. F.; δ ὡ[τα]ς | [νικαθ] (ἐ)ς ἄλλα δὲ τὰ ἐγγραμένα [τῶ]ν(δ)ε νενικαμένῳ, κα[ὶ τὸν κα]τακείμενον ἀ(γ)οντι ἄπατον ἤμεν. C.; text BZ., BB.

II. 8. Fοικῆαν C.—11. ἐνδοθιδίαν C.; ἐνδοθ' ιδίαν F.

But, if one party contend that he is a free man, the other that he is a slave, those that testify that he is free shall be preferred. And, if they contend about a slave, each declaring that he is his, if a witness testify, the judge shall decide according to the witness; but, if they testify either for both parties or for neither of the two, the judge shall render his decision by oath.

If the one who holds (the person in question) lose the suit, he shall set the free man at liberty within 5 days, and the slave he shall deliver in hand; and, if he do not set at liberty or deliver in hand, let the judge pronounce that (the successful party) shall have judgment against him in 50 staters for the free man and a stater each day till he sets him free, and for the slave 10 staters and a drachma each day till he delivers him in hand. But, if the judge shall have sentenced him to a fine, within a year thrice the value (of the person) or less shall be exacted, but not more; and according to the time the judge shall decide, confirming it by oath.

But, if the slave on account of whom (the defendant) was defeated take refuge in a temple, (the defendant), summoning (the plaintiff) in the presence of two witnesses of age and free, shall point out (the slave) at the temple, wherever he may be a suppliant, either himself or another in his behalf; but, if he do not issue the summons or do not point him out, he shall pay what is written. And if he do not return him, even within the year, he shall pay in addition the sums one-fold. But if he die while the suit is progressing he shall pay his value one-fold.

And if one, while *kosmos*, (so) seize a man, or another from him while *kosmos*, when he has retired from office the case shall be tried, and if (the delinquent) be convicted he shall pay what is written from the day he made the seizure.

For one seizing the person in the possession of the defeated party, and the (slave) that has been mortgaged, there shall be no penalty.

If one commit rape on a free man or woman, he shall pay 100 staters, and if on (the son or daughter) of an *aphetairos* 10, and if a slave on a free man or woman he shall pay double, and if a free man on a male or female serf 5 drachmas, and if a serf on a male or female serf 5 staters. If one debauch a female house-slave by force he shall pay 2 staters, but if one already debauched, after

Rape and
Assault.

- τασεῖ, αἱ δὲ κα δεδαμναμέναν πε|θ' ἡμέραν [δ]ελόν, αἱ δὲ x' ἐν νη-
 15 τὶ δὴ δ' δελόν, ὀρκιωτέραν δ' ἤ|μεν τὰν δώλαν. αἱ κα τὰν ἐ-
 λευθέραν ἐπιφέρηται οἰφῆν ἀκε|ύοντος καδεστῆ, δέκα στατή-
 20 ρανς καταστασεῖ, αἱ ἀποφωνί||ι μαῖτυς. Αἱ κα τὰν ἐλευθέραν
 μοιχίων αἰλεθῆ ἐν πατρός ἢ ἐν ἀ|δελφίῳ ἢ ἐν τῷ ἀνδρός, ἑκατὸν
 στατήρανς καταστασεῖ, αἱ δὲ x' ἐ|ν ἄλλω [π]εντήκοντα, αἱ δὲ κα τῷ
 25 τῷ ἀπεταίρω δέκα· αἱ δὲ x' ὁ δῶλος [τά]|ν ἐλευθέραν, διπλῆ καταστα-
 [ῖ], αἱ δὲ κα δῶλος δῶλω πέν|τε. προ|φειπάτω δὲ ἀντὶ ματ-
 30 ὦρων τριῶν τοῖς καδεσταῖ||ς τῷ ἐναλεθέντος, ἀλλύεθ-
 θαι ἐν ταῖς πέντ' ἡμέραις, | τῷ δὲ δῶλω τῷ πάστῃ ἀντὶ
 ματύρων δυῶν. αἱ δὲ κα μὴ ἀλλύσῃται, ἐπὶ τοῖς ἐλό-
 35 σι ἤμεν χοῖθαι ὅπῃ κα λε|ίονται. αἱ δὲ κα φωνῇ δολώ-
 σαθθαι, ὁμόσαι τὸν ἐλό|ντα τῷ πεντήκονταστατή-
 40 ρω καὶ πλίονς πέντον αὐ|τόν, Φιν αὐτῷ Φέκαστον ἐ(π)-
 αριόμενον, τῷ δ' ἀπεταίρω | τρίτον αὐτόν, τῷ δὲ Φοι-
 ος τὸν πάσταν ἄτερον αὐτ|ὸν μοιχίοντ' ἑλέν, δολώσαθ-
 45 θαι δὲ μή. Αἱ x' ἀνῆρ [κα]ῖ [γυ]|νὰ διαχο[ῖ]νων[τ]αι, τὰ Φὰ α-
 ὑτῶς ἔχεν ἀτι ἔχον(σ)' ἥτε π|ὰρ τὸν ἀνδρα, καὶ τῷ καρπῷ τ-
 50 ἀνν ἡμίαν, αἱ x' ἢ ἐς τῶν Φῶ|ν αὐτῶς χρημάτων, x' ὅτι
 [x'] ἐνυφάνῃ τὰν [ἡμίαν]|ν ἀτι | x' ἢ, καὶ πέντε στατήρανς, αἱ x' ὁ ἀ-
 νῆρ αἴτιος ἢ τῶς Φε. εὐσι|ος α[ῖ δ]ὲ φωνίῳ ὁ [ἀν]ῆρ [αἴτιος
 55 μὴ ἤμ]εν, τὸν δικα[σ]τὰν
 III ὁμνύντα κρίνεν. αἱ δὲ τί ἀλλ|ο φέροι τῷ ἀνδρός, πέντε στ-
 ατήρανς καταστασεῖ, x' ὅτι | κα φέρῃ αὐτόν, x' ὅτι κα παρ-
 5 ἐλῆ ἀποδότω αὐτόν, ὧν δὲ x' | ἐξαννέσῃται, δικάζαι. τ-
 ἀν γυναικ' ἀπομόσαι τὰν Ἀρ|τεμν πὰρ Ἀμυκλαῖον πὰρ τὰν
 10 Τοξίαν. ὅτι δὲ τίς x' ἀπομο||σάνσῃ παρελῆ, πέντε στατ-

II. 14. [ἐν δ'] δελόν F.—17. ἐπιπηρηταῖοι πενακέοντος C.—32. πάσαι C.; παστῇ F.
 —36. δολοσάθαι C.; δολώσαθθαι F.—40. Φιναντῶ F.—ἐ(π)αριόμενον C., BB., BZ.; ἑθα-
 ριόμενον F.; EÖAP. copy.—44. μοικίοντ' ἑλέν, δολοσάθαι C., BZ., BB.; μοίχιον τέλεν(τελῆν)
 δολώσαθθαι F.—46. τὰ Φὰ αὐτῶς: 80 C.—47. ἔχον(σ)': 80 C.; ἔχων F.—ἥτε: 80 C.; εἰη F.
 —49. τὰν νημίαν F.; τὰν ἡμίαν C.—53. Φε. εὐσιος F.; (τ)ε[λ]εῖσιος C.; (κ)η[ρ]εῖσιος
 BZ., BB.; ΓΕ. copy.—54. αἴτιος C.; αἴτιον F.

III. 5-6. αὐτόν. C.—ἐξαννέσῃται C.—δικάσαι, C.—8-9. Ἀμυκλαίων πὰρ τὰν τ'
 Ὀκσιάν C.; Ἀμύκλαιον F.; Ἀμυκλαῖον: 80 BZ., BB.

daybreak an obol, but if at night 2 obols; and the slave shall have preference in taking the oath.

If one assault a free women, under the tutelage of her relative, with intent to rape, he shall pay 10 staters, if a witness testify.

If one be taken in adultery with a free woman in a father's, *Adultery.* or in a brother's, or in the husband's house, he shall pay 100 staters, but if in another's house, 50; and with the wife of an *apheetairos*, 10; but if a slave with a free woman, he shall pay double, but if a slave with a slave's wife, 5.

And let (the captor) proclaim in the presence of three witnesses to the relatives of the man taken, that they shall ransom him within 5 days, and to the master of the slave in the presence of two witnesses. But, if one do not ransom him, it shall be in the power of the captors to do with him as they will. But, if he assert that a plot has been laid for him, in the case of 50 staters or more, the captor himself with four others shall swear, each calling down curses on himself, and in the case of the *apheetairos*, (the captor) himself with two others, and in the case of the serf, the master himself and another, that he took him in adultery, and did not lay a plot.

If a husband and wife be divorced, she shall have her own property *Divorce.* that she came with to her husband, and the half of the crop, if it be from her own property, and, whatever she has woven within, the half, whatever it may be, and 5 staters, if her husband be the cause of her dismissal; but, if the husband deny that he was the cause, the judge shall decide, confirming his decision by oath. But, if she carry away anything else belonging to her husband, she shall pay 5 staters and the thing itself, whatever she carries, and whatever she has purloined she shall return the thing itself; but of whatsoever she makes denial the judge shall decide. The woman shall take her oath of denial by Artemis, proceeding to the Amyklaian temple to the Archer-goddess. And whatever anyone may take away from her after she has made her oath of denial, he shall pay 5 staters and

- ήρως καταστασεῖ καὶ τὸ χροῖος αὐτόν. αἱ δέ κ' ἀλλόττε-
 ρος συνεσάδδῃ, δέκα στ[ατ]ή|ρως καταστασεῖ, τὸ δὲ χρε-
 15 ῖος δειπλῇ, ὅτι κ' ὁ δικαστὰς | ὁμόσῃ συνεσάξαι.
 Αἱ ἀνὴρ ἀποθάνοι, τέκνα κατ|αλπών, αἱ κα λῆ ἁ γυνά, τὰ Fά
 20 αὐτῶς ἔχονσαν ὀπυιέθθα||ε, κ' ἄτι κ' ὁ ἀνὴρ δὴ κατὰ τὰ ἐγ-
 ραμμένα ἀντὶ ματύρων τριῶν ὁρομένων ἐλευθέρων· αἱ
 δέ τι τῶν τέκνων φέροι, ἐνδεῖ|κον ἦμεν. αἱ δέ κα ἄτεχνον
 25 καταλίπη, τὰ τε Fά αὐτῶς ἔχε|ν κ' δτ[ε] κ' ἐ[νυ]φά[ν]ηι τ[ὰ]ν ἡμ[ε]ν-
 αν κα[ὶ] τ[ῶ]ν καρπ[ῶ] τ[ῶ]ν ἐνδ[ο]θεν π[ε]δὰ τῶν ἐπιβαλλόντ[ων] μοῖρα-
 30 ν τακε . . , καὶ τί κ' ὁ ἀνὴρ δὴ ἔγ[ο]ρατται· αἱ δέ τι ἄλλο φέροι, ἐν-
 δακον ἦμεν. Αἱ δὲ γυνά ἄτεχ|νος ἀποθάνοι, τὰ τε Fά
 αὐτῶς τοῖς ἐπιβάλλονσι ἀπ[ο]δόμεν κ' ὅτι ἐνύφανε τὰν ἡ-
 35 μῖναν καὶ τῶ καρπῶ αἱ κ' ἡ ἐς | τῶν Fῶν αὐτῶς τὰν ἡμίνα-
 ν. κόμστρα αἱ κα λῆ δόμεν | ἀνὴρ ἢ γυνά, ἢ Fῆμα ἢ θυώδε-
 40 α στατήρως ἢ θυώδεα στατ[ή]ρων χρέος, πλῖον δὲ μῆ. αἱ κ-
 α Φοικέος Φοικέα χρεθῇ δωῶ | ἢ ἀποθανόντος, τὰ Fά αὐτῶ-
 ς ἔχεν· ἄλλο δ' αἱ τι φέροι, ἐνδ[ο]κον ἦμεν. Αἱ τέκοι γυνά χ-
 45 ἡ[ρ]ε[ύ]ονσα, ἐπελεῦσαι τῷ ἀνδρὶ ἐπὶ στέγαν ἀντὶ ματ-
 ῦρων τριῶν. αἱ δὲ μὴ δέξαιτο, ἐπὶ τῇ ματρὶ ἦμεν τὸ τέκ-
 50 νον ἢ τράφεν ἢ ἀποθέμεν, ὀρκ[ω]τωτέρω δ' ἦμεν τὼς καδεστ-
 ἄνς καὶ τὼς ματύρας, αἱ | ἐπήλευσαν. αἱ δὲ Φοικέα τέ-
 κοι χηρεύονσα, ἐπελεῦσαι | τῷ πάστῃ τῷ ἀνδρός, ὃς ὤ-
 πειε ἀντὶ ματύρων [δυ]ῶν.
 IV αἱ δέ κα μὴ δέξεται, ἐπὶ τῷ | πάστῃ ἦμεν τὸ τέκνον τῷ τ-
 ᾶς Φοικέας. αἱ δὲ τῷ αὐτῷ αὐτὶν ὀπυίοιτο πρὸ τῷ ἐνιαυτ-
 5 ῶ τὸ παιδίον ἐπὶ τῷ πάστῃ | ἦμεν τῷ τῷ Φοικέος, κ' ὀρκιώ-
 τερον ἦμεν τὸν ἐπελεύσαντα καὶ τὼς ματύρας. γ-
 10 νὰ χηρεύονσ' αἱ ἀποβάλοι || παιδίον πρὶν ἐπελεύσαι κα[τ]-
 ἃ τὰ ἐγγραμμένα, ἐλευθέρω μ[ὲ]ν καταστασεῖ πεντήκοντα
 στατήρως, δώλω πέντε καὶ Fίκατι, αἱ κα νικαθῇ. ῥ' δέ κα μ-

III. 28-29. μοῖραν τὰ κ'ή[ε] C.; μοῖραν τακ[τὰν] BZ.; (λ)ακ[ε]ν BB., Blass.—38. Fῆμα: so C.; Fῆμα F.—49. τραφῆν F.—ὥπνι: so C.; ὀπυίη F.—55. θυῶν: so C.; τριῶν F.

IV. 3-4. αὐτὶν ὀπυίοι τῷ πρώτῳ F.; αὐτ[ε] C.; αὐτὶν BZ.; αὐτὶν ὀπυίοιτο πρὸ τῷ ἐνιαυτῷ BB., Blass.

the thing itself. If an unrelated person assist in removing (the effects) he shall pay 10 staters and the amount twofold of whatever the judge swears that he assisted in removing.

If a man die, leaving children, if his wife wish she may marry, taking her own property and whatever her husband may have given her, according to what is written, in the presence of 3 witnesses of age and free. But if she carry away anything belonging to her children she shall be answerable. And if he leave her childless, she shall have her own property and whatever she has woven within, the half, and of the produce on hand in the possession of the heirs, a portion, and whatever her husband has given her as is written. But if she should carry away anything else she shall be answerable.

*Rights of the
Widow.*

If a wife should die childless, (the husband) shall return to her heirs her property, and, whatever she has woven within, the half, and of the produce, if it be from her own property, the half.

If a husband or wife wish to give *komistra*, (it shall be) either clothing or 12 staters, or something worth 12 staters, but not more.

If a female serf be separated from a serf while alive or in case of his death, she shall have her own property, but if she carry away anything else she shall be answerable.

If a woman bear a child while living apart from her husband (after divorce), she shall carry it to the husband at his house, in the presence of 3 witnesses; and if he do not receive the child, it shall be in the power of the mother either to bring up or expose, and the relatives and the witnesses shall have preference in taking the oath as to whether they carried it. And if a female serf bear a child while living apart, she shall carry it to the master of the man who married her, in the presence of 2 witnesses. And if he do not receive it, the child shall be in the power of the master of the female serf. But, if she should marry the same man again before the end of the year, the child shall be in the power of the master of the male serf, and the one who carried it and the witnesses shall have preference in taking the oath. If a woman living apart should put away her child before she has presented it as written, she shall pay, for a free child, 50 staters, for a slave, 25, if she be convicted.

*Children born
after Divorce.*

- 15 ἡ [τ]ις [ῆ]ι στέγα, ὅπου ἐπελεύσῃ|ι ἡ αὐτὸν μὴ ὀρή, (αι) αἱ ἀποθ-
εῖη τὸ παιδίον, ἄπατον ἦμεν. | αἱ κύσαιο καὶ τέκοι Φοικ-
20 έα μὴ ὀπνυμένα, ἐπὶ τῷ τ[ῶ]||πατρὸς πάστῃ ἦμεν τὸ τ-
έκνον· αἱ δ' ὁ πατήρ μὴ δώσει, ἐπὶ τοῖς τῶν ἀδελφῶν πάσ-
ταις ἦμεν. Τὸν πατέρα τῶν | τέκνων καὶ τῶν χρημάτων x-
25 αρτερόν ἦμεν τῷ δαίσιος | καὶ τὰν ματέρα τῶν Fῶ[ν] αὐ-
τῶς χρημάτων. ἃς κα δώωντι, | μὴ ἐπάνανκον ἦμεν δατῆ-
30 θθα. αἱ δέ τις ἀταθείη, ἀποδ||αττᾶθθα τῷ ἀταμένῳ ἃ-
ι ξερατται· ἡ δέ x' ἀποθάνῃ τις) σ|τέγανς μὲν τᾶς ἐν πόλε x' ἃ-
τι x' ἐν ταῖς) στέγαις ἐνῇ αἱ|ς κα μὴ Φοικεύς ἐν Φοικῇ ἐπ-
35 ἰ χώρῃ Φοικίων, καὶ τὰ πρόδατα κα|ι καρτα[ι]ποδα, ἃ κα μὴ Φοικεύς
ἐπὶ τοῖς υἱάσι ἦμεν, τὰ δ' ἄλλα χρήματα πάντα δατῆθθα-
40 ι καλῶς, καὶ λανχάνεν τῶς μ||ἐν υἱῶνς ὁπόττοι x' ἴωντι δὲ-
ο μοῖρανς Fέκαστον, τὰ δ' ὁ|ε θυγατέρανς ὁπόττοι x' ἴων-
τι μίαν μοῖραν Fεκά[σ]τα[ν] θ[υ]γατέ[ρα]. αἱ δέ καὶ τὰ ματρ[ώ]ια,
45 x' ἀπ[ο]θάνῃ, ἔπε[ρ] τὰ [πατρῶι] | ἔ[γ]ρατται· αἱ δέ χρήματα μί, εἰ-
η στέγα δέ, λαχὲν τὰ θ[υ]γατέ[ρας] ἃ ξερατται. αἱ δέ κα λῆ-
50 ι ὁ πατήρ δωὸς ἰὼν δόμεν τᾶ||ι ὀπνυμένῃ, δότω κατὰ τ-
ὰ ξεγραμμένα, πλῖονα δέ μῆ. | ὅτεῖα δέ πρόθθ' ἐδῶκε ἡ ἐπέσ-
πενσε, ταῦτ' ἔχεν, ἄλλα δέ μὴ
V ἀπολαν[χάν]εν. γυνὰ ὁ[τ]εία χ|ρήματα μὴ ἔχῃ, ἡ [πα]τρὸδ δό-
ντος ἡ [ἀδ]ελφιῶ ἡ ἐπισπέν|σαντος ἡ ἀπολα[χ]όνσα ἃ-
5 ι ὅx' ὁ Αἰθ[α]λεὺς) σταρτὸς ἐκόσ|μον οἱ σὺν Κύ[λ]λῳ, ταύτ-
ας μὲν [ἀπ]ολανχάνεν, ταῖ|δ δὲ πρόθθα μὴ ἔ[ν]δικον ἦμ-
10 εν. *H x' ἀπ[ο]θάνῃ ἀνὴρ ἡ γυν||δ, αἱ μὲν x' ἡ τέ[χ]να ἡ ἐς τ-
κνων τέχ[να] ἡ ἐς τούτων τέ[χ]να, τούτως ἔχ[εν] τὰ χ|ρήμα-
τα· αἱ δέ x[α] μῆ τις ἡ τούτω|ν, ἀδελφοὶ δὲ τῷ ἀποθανόν-
15 τος x' ἐς ἀδε[λ]φιῶν τέχ|να ἡ ἐς τούτων τέχνα, τούτ-

IV. 15-16. μῆ[τ]ι[ς](ῆ)ι C.; μῆ[. . .]ῆ)ι F.—ἐπελεύσῃ ἡ αὐτὸν μὴ ορειαι, F.; ἐτελείσειε αὐτόν, μὴ ὀρείαι αἱ C.—43-46. θ[υ]γατέ[ρα]. αἱ δέ καὶ τὰ ματρ[ώ]ια ἡ κ'ἀπ[ο]θ[ο]ν[η]ι αἱ πε. τα ε[.]αι· F.; (δ)ατῆ[θ]θαι δὲ καὶ τὰ ματρ[ώ]ια, ἡ κ'ἀποθ[ο]ν[η]ι, αἶπε[ρ] τὰ [πατρῶι] ἐ[γ]ρατται C. Text is also that of BB.—49. δωὸς ἰὼν C.; δώσιον F.—52. μῆ . δ τ' εἰαὶ δὲ C.; μῆ . ὅτεῖα BZ., BB., Blass; μῆ, δτ' ἡ . αἱ F.

V. 1. γυνὰ ο. ῆ, ἃ F.; ὡ[ι κ'] C.; ὁ[τ]εία BZ., BB., Blass.—4-6. αἱ οκοαιθ. λευγαρτος ἡ κοσμίωι οἱ συνκν. λοι F., text C.—14. ἀδελπιῶι C.

But, if the man have no house, to which she may carry it, or she do not see him, if she put away her child there shall be no penalty. If a female serf should conceive and bear without being married, the child shall be in the power of the master of the father; but, if the father be not living, it shall be in the power of the masters of his brothers.

The father shall have power over his children and the division of the property, and the mother over her property. As long as they live, it shall not be necessary to make a division. But if any one (of the children) should meet with misfortune his portion may be divided off to him as is written. But, if a (father) die, the houses in the city and whatever there is in the houses in which a serf residing in the country does not live, and the sheep and larger animals which do not belong to the serf, shall belong to the sons; but all the rest of the property shall be divided fairly, and the sons, how many soever there be, shall receive two parts each, and the daughters, how many soever there be, one part, each daughter. If the mother's property also (be divided), in case she dies, (it shall be divided) as written for the father's. And if there should be no property, but a house, the daughters shall receive their share as is written. And if a father while living may wish to give to his married daughter, let him give according to what is written, but not more. But to whom he gave before or promised, she shall have this, but shall not receive anything further in the distribution. If a woman have no property, either by gift from father or brother, or by promise, or received by inheritance as (was written) when the Aithalian Startos, Kyllós and his colleagues, entered the *kosmate*, such shall receive their portion, but, against those (who received) before, there shall not be ground for action.

*Division of
Property
among
Children.*

If a man or woman die, if there be children, or children from these, or children from these, they shall have the property; but if there be none of these, and there be brothers of the deceased, and children from the brothers, or children from these, they shall have

Heirs at Law.

- ως ἔχεν τὰ χρήματα· αἱ δὲ καὶ μὴ τις ᾗ τούτων, ἀδε(λ)φισαὶ δ-
 20 ἐ τῷ ἀποθανόντος x' ἐς ταυτῶν τέκνα ἢ ἐς τῶν τέκνων τέ-
 κνα, τούτως ἔχεν τὰ χρήμα|τα· αἱ δὲ καὶ μὴ τις ᾗ τούτων,
 οἷς x' ἐπιβάλλῃ ὅπω x' ἢ τὰ χρ|ήματα, τούτως ἀναλῆθθα-
 25 ι· αἱ δὲ μὴ εἰεν ἐπιβάλλοντες, τῷ Φοικίας οὔτινες x'
 ἴωντι ὁ κλῆρος, τούτους ἔ|χεν τὰ χρήματα. Αἱ δὲ x' οἱ
 30 ἐπιβάλλοντες, οἱ μὲν λεί|ωντι δατῆθθαι τὰ χρήματ-
 α, οἱ δὲ μὴ, δικάζαι τὸν δι|καστάν· ἐπὶ τοῖς λείονσι δ-
 ατῆθθαι ἵμεν τὰ χρήματα π|άντα, πρίν κα δατῶνται.
 35 αἱ δὲ κα δικάζαντος τῷ δικαστῷ, κάρτει ἐνσειή ἢ ἄ-
 γῃ ἢ φέρῃ, δέκα στατήραν|ς καταστασεῖ καὶ τὸ χρεῖ-
 40 ος διπλῇ. τνατῶν δὲ καὶ καρ|πῷ καὶ Φήμας x' ἀνφιδήμας x'
 ἐπιπολαίων χρημάτων αἱ κα μ|ὴ λείωντι δατῆ[θαι υἱέες] τ[ὸ-
 ν δικαστῶν] ὁμνύοντα χρῖνα|ι πορτὶ τὰ μοιόμενα. [αἱ] [δ-
 45 ἐ κα χρήματα δατιόμενοι | μὴ συγγενώσχωντι ἀν-
 φὶ τὰν δαῖσιν, ὡνῇ τὰ χρήμ|ατα, x' ὅς κα πλεῖστον διδ-
 50 ῶ ἀποδόμενοι, τῶν τιμῶν || δια[λ]αχόντων τ[ὰ]ν ἐπαθο-
 λάν Φέκαστος. δατιομέ|νοισι δὲ χρήματα ματῦρα-
 νς παρῆμεν ὁρομέανς ἐλε|υθέρωνς τρίνς ἢ πλίανς.
 VI θυγατρὶ ἢ διδῶ, κατὰ τὰ αὐτ|ά.

V. 18. ἀδελφισαὶ copy.—23. ὁπῶχει F.; ὁπόκ' ἢ C.; ὁπῶ κ' ἢ BZ., BB.—32. δικαστὴν ἐπὶ C.—33. χρήματ' ἅπαντα C.—36. ἐνσειή: σο C.; ἐνς εἰει F.—40. Φήμας ἀνφιδήμας F.—42. δατῆ[θθαι . . .] F.; δατῆ[θθαι τινά] C.—49. διδῶ, ἀποδομένῳ τὰν τιμάν, F.; text C.

COMMENT.

COLUMN I. 1. The case of the free man is illustrated by that of Pankleon in Lysias, 23, 9–12. Pankleon was living at Athens as a free man, claiming to be a Plataian, when a certain Nikomedes laid hold of him in the street, asserting that he was his slave, and attempted to carry him off (ἄγειν εἰς δουλείαν) as such. Others interfere, and surety is given that a brother of his would present himself next day to reclaim him as a free man (εἰς ἐλευθερίαν ἐξαίρεισθαι). The brother does not appear, but a woman puts in a claim on the ground that the man was her slave, and contests the possession of him with Nikomedes (ἀμφισβητοῦσα τῷ Νικομήδει).

the property; but if there be none of these, but sisters of the deceased, and children from these, or children from the children, they shall have the property; but if there be none of these, to whomsoever it belongs where there is property, these shall receive it. But, if there should be no relations, the *klaros* of the house, whoever they may be, these shall have the property.

And if the relatives, some may wish to divide the property, and others not, the judge shall decide; and all the property shall be in the power of those who wish to divide, until they make the division. And if, after the judge has rendered his decision, anyone enter by force, or drive or carry off anything, he shall pay 10 staters and double the thing in question. And of creatures and crops and clothing and ornaments and furniture, if the sons do not wish to make a division, the judge under oath shall decide according to the pleadings. And if, when dividing the property, they cannot agree about the division, they shall offer the property for sale, and, having sold it to him who offers most, let them share each his just due of the values received. And while they are dividing the property witnesses shall be present, of age, freemen, three or more. If a father give to a daughter, in the same way.

*Partition of
Property.*

Finally the two claimants agree to release him (*ἀφίεναι*) if any one else will set up a better claim; but he is forcibly carried away by his friends (cf. Aisch. Tim. 85, Dem. Neair. 40). Another aspect is where a man is held as a slave, and some friend (*assertor in libertatem*) claims that he is a free man and wrongly held as a slave. Here the proper course was to go before an archon, and give security for the value of the slave and costs in case the court should decide against him. It was the duty of the archon to set the person at liberty on bail during the pendency of the suit (Dem. Neair. 40-5). At the trial the reputed owner had to prove his right to the slave, and if he won his case he received such compensation as the court chose to assess, half (500 drachmas in the case of Theokrines,

Dem. 1327-8) going to the state, and he was entitled to take possession of the slave immediately (Smith's Dict. Ant. p. 479). If the slave had escaped in the meantime, and evidence of such fact were produced, the jury would probably take that into consideration in estimating the damages (Ibid.).

The case of the "slave" in our code is probably where there is a dispute about the ownership, there being no question as to his freedom (cf. Plat. Legg. 914 C seq.). The law resembles that of Zaleukos: *κελεύειν γὰρ τὸν Ζαλεύκου νόμον τοῦτον δεῖν κρατεῖν τῶν ἀμφισβητουμένων ἕως τῆς κρίσεως παρ' οὗ τὴν ἀγωγὴν συμβαίνει γινέσθαι*, Polyb. xii, 16. — *ἀνφιμολῶν*: *μολέω* appears in this inscription under the following forms: *μολῶ*, i, 14; *μολίωντι*, i, 17; *μολῶν*, i, 52, vi, 29, vii, 43, ix, 23; *μολιόμενας*, i, 49, x, 22; *μολιόμενα*, v, 44, vi, 55; *ἀνφιμολῶν*, i, 1; *ἀνφιμολίωντι*, vi, 27, ix, 20; cf. i, 17; *ἀμφίμολον*, x, 27; *ἀντίμολος*, vi, 25, ix, 18; *ἀπομολῶ*, vi, 26; *ἀπομολίω*, ix, 18; *ἐπιμολῶ*, ix, 31; *ἐπιμολισάτω*, ix, 28. Every form has relation to action in a court of law, of which usage we have one parallel at least from the lexicographers in the phrase, *ἐτερομολίως δίκη· εἰς ἣν ἀντίδικοι οὐκ ἦλθον* (Suidas), where one party fails to appear at the trial. The codex of Hesych. reads, *μ. λει· μάχεται· καὶ ἀντιμολία δίκη, εἰς ἣν οἱ ἀντίδικοι παραγίγνονται*. The conjectures of Musurus, *μωλεῖ*, *ἀντιμωλία*, have been generally accepted. It is questionable if *μωλ.* is not to be read throughout the code, though Hesych. has *μόλος· πόνος, μάχη, φρύαγμα* as well as *μῶλος· πόλεμος*. [C. reads *μωλ.*—so also, Blass, BB.; BZ. has *μολ.*] With *ἀμφιμολέω* we may compare *ἀμφισβητέω*.

2. *πρὸ δίκας*: Cf. Isaios, 10, 24; Thuk. i, 141, 1.

• 5. *λαγάσαι*: Hesych. has the gloss, *λαγάσαι· ἀφείναι*. Curtius (Et. 182) rightly connects it with *languere, laxare*. [Di rilasciarlo, C.]

9. *δαρχνάν τὰς ἀμέρας*: Cf. Plat. Legg. 766 C., D.—*πρίν* with subjunctive after affirmative clause is uniform throughout the inscription, except x, 26; so in iv, 10 the optative [so C., BZ., BB.; the inf., Prof. Gildersleeve].

10. *τῷ χρόνῳ*: More simply, "As to the time (*περί*), the judge shall decide under oath;" or cf. Lys. 7, 5: *νομίζω γὰρ τοῦ μὲν προτέρου χρόνου . . . οὐκ ἂν δικαίως ζημιωθῆναι*. [Pour le temps, D.; del tempo, C.; wegen der Zeit, BZ.; wegen der Frist, BB.]

11. *ὁμνόντα*: See the provision below, xii, 26-30, and Is. 5, 32: *οἱ δαιτηγὰὶ ἔφασαν, εἰ μὲν ἄνθρωποι δύναιντ' ἂν ἡμᾶς διαλλάξαι, οὕτω ποιήσιν, εἰ δὲ μή, καὶ αὐτοὶ ὁμύσαντες ἀποφανείσθαι ἃ δίκαια ἡγούνται εἶναι*.—*ἀννίειτο* = *ἀνανεύει*, with *ν* dropped (cf. *ἐπισκεδέζειν*, Ahr. Dial. Dor. p. 188), and *ι* for *ε* as usual in this dialect; so iii, 6. The Kretans may here have used the middle, as the other Greeks in the future. [C. *et om.* make this for *ἀρνέειτο*, with no parallel for the assimilation.]

13. *μαῖτις*: The *ι* throughout; also in archaic inscription from Lyttos, Bull. Corr. Hellén, 1885, p. 4; Comparetti's minor inscription; Mitth. Deutsch. Arch. Inst., 1885, p. 94; Roehl, I. G. A. 478.

15. *καρτόνας*: Apparently the comparative for *καρτιόνας*, *καρττόνας*, (*κάρρονας*) [So C. *et om.*]; cf. *πλέων*, *πρείγωνα* (xii, 32).—In cases of murder and the status of a slave, Aristotle (Probl. 29, 13) says that the preference is given to the accused, on the general principle that in cases of doubt we choose the less of two evils: *δεινὸν γὰρ καὶ τὸ τοῦ δούλου ὡς ἐλευθερός ἐστι καταγῶναι· πολλὸ δὲ δεινότερον ὅταν τις τοῦ ἐλευθέρου ὡς δούλου καταψηφίσται.* Cf. *νικᾶν ἴσαις ψήφοισι τὸν φεύγοντ' ἀεί*, Eur. Elektr. 1269.

16. *ὑτεροι*: Supplied by Blass from ix, 53. "Verhält sich zu *ὅς* wie *πότερος* zu *τίς*; auch das Sanskrit hat *yataras* zu *yas*."

20. *δικάδδεν*: No Z occurs in this inscription.

23. *ὁ ἔχων*: The holder of the slave at the time of trial, or the representative of the free man who becomes responsible for him and conducts his suit (*ὁ μὲν*, i, 14).

36. *πράδδδθθαι*: *πράττεσθαι* (*πραγι*: cf. *σφαγι*. *σφάζω*, *σφάττω*, Boiot. *σφαδδδω*). [*πράξεσθαι*, C.] This provision seems to contemplate preventing the cumulative fine from passing beyond three times the value of the slave, within the year. If not delivered up by the expiration of that time, an additional fine equivalent to this triple sum may be imposed (this seems the force of the plural in 47). Cf. Dem. 696: *τὸν χρησάμενον δημοσίους χρήμασιν ἐπ' ἐνιαυτὸν ὅλον διπλάσια ταῦτα διδόναι . . . τὸν ὀφείλοντα ἐπὶ τοῦ δευτέρου ἐνιαυτοῦ δεδῆσθαι ἕως ἂν ἐκτίσῃ.*—*τριτρά*: For *τριττά*, C., BZ., BB. This is a change that may have some analogy to that noted by Hesych. *τρέ· σέ, κρήτες*; where *τρέ*, according to Curt. Et. 447, is for *τFε*. *τρί-τρα* as *θρέπ-τρα*, BZ. D. takes it for *τρίτα*, thinking it may refer to a case where the slave has run away.

39. *ναεύη*: *ναύειν*· *ἰκετεύειν*. *παρὰ τὸ ἐπὶ τὴν ἐστίαν καταφεύγειν τοὺς ἰκέτας*, Hesych.; *Dareste*; so C., in sense.

40—41. *καλίων*, *ἀποδειξάτω*: Cf. Comparetti's minor inscription from the vicinity: *καλὴν ἀντὶ μαιτύρων θυῶν ἐν ταῖς πέντε, αἱ δείξῃ ὅπῃ κ' ᾗ*; and the Drerian inscription (Cauer, D. I. G.², 121, D 30): *ἐλαίαν ἔχαστον φυτεύειν καὶ τεθραμμέναν ἀποδείξαι.*—*δρομέων*: Exercises in running were so prominent in the minds of the Kretans that their gymnasia were called *δρόμοι* (Suidas, sub voc., cf. Plat. Legg. 625 D), and lads under 17 were called *ἀπόδρομοι*, as not yet being allowed to enter them regularly (Schoemann, Antiq. Gr., p. 303, Eng. Trans.). Here we find the designation of those above 17, as at Sparta they were called *σφαιρεῖς*, from their addiction to ball playing. At 27 they were called *δεκάδρομοι* (Hesych.). See more below, vii,

35 seq. [Ceremonial witnesses, in the code are of age (i, 40, iii, 22, v, 53), evidential witnesses only above puberty (ix, 46), BZ.]

43. ἄλος: As ii, 24; usually ἄλλος. Such variety is common in this inscription.

45. ἐγγραμένα: ἡγγραμμένον, Gortynian inscription, Bull. Corr. Hellén., 1885, p. 18. —μῆδ': For position, see my Herodotus, vii, 16, 19.

50. κατιστάσει: The ι is a mistake of the stone-cutter, no doubt, as it does not occur again with the future. This verb is for the Att. καταβάλλω, κατατίθημι.

51. κοσμίω: The *kosmoi* were common to all Kretan towns of importance, and formed a board of ten (Aristotle; only six are named in the Gortynian inscription, Bull. Corr. Hellén., 1885, p. 19) elected annually, as is most probable, from among the privileged families. "They were the highest civil and military authorities, leaders of the army in war, presidents of the Council and the popular assemblies, and without doubt also judges or presidents of the courts." Schoemann. Aristotle compares them to the Ephors at Sparta and says that they have the same authority (Pol. ii, 10, 5), and that it often happens that some of their fellow-magistrates or private citizens combine to expel them from office, and they are permitted to resign even in the midst of their term (Pol. ii, 10, 13).

I. 52-II. 1. Among the many possibilities here, I have followed the text and interpretation of BB., due for the most part to BZ. The comparison of ἡ καὶ ἀποστᾶ to αἱ καὶ ἀποστᾶντι in the Drierian inscription (Cauer, 121, C 20) is certain, as I have felt sure from the outset, and renders Blass' ἡ needless. The retirement of the *kosmos* from office is stated conditionally, as is done in the case of death (iv, 31, v, 9), where "if" fairly becomes "when" in effect, an ambiguity which may have been influenced by that of the participle. No suit for such seizure shall be brought by or against a *kosmos* during his term of office. That a general prohibition from seizure by the *kosmos* existed elsewhere in Krete at a later time seems deducible from the inscriptions relating to the Teian right of asylum (Cauer, 123, 124, 125), where it is found necessary to give him express permission: εἰ καὶ τινες ἄγωντι Τηίως ἢ τοὺς κατοικόντας παρ' αὐτοῖς, οἱ κόσμοι καὶ ἄλλος ὁ λῶν Κυδωνιατᾶν ἢ Τηίων ἀφελόμενοι καὶ διδόντες τοῖς ἀδικημένοις κυρίῳ ἐστῶσαν.—οἱ δὲ κόσμοι οἱ τότε αἰεὶ κοσμοῦντες ἐπαναγκαζόντων ἀποδιδύμεν τοὺς ἐχόντας ἀζαμῆαι ὄντες καὶ ἀνυποδίκου. Personal execution of a judgment appears to be implied by our code.—The provision τὸν δὲ νενικαμένῳ . . . would seem to render i, 27-38, unnecessary; but cases of contumacy where powerful families were prone to such violence as Aristotle describes (Pol. ii, 10) might be frequent.—κατακείμενον: x, 26; = Attic ὑποκειμ., Dem. 816. —ἄπ-ατον, BZ., BB.; ἄπ-αχτον, C.

COLUMN II. 3. *ἐκατὸν στατήρας*: Solon punished rape by 100 drachmas, seduction by 20 (Plut. Sol. 23). The stater is usually of gold, and worth 20 drachmas at Athens. The Aiginetan stater which was $\frac{1}{3}$ larger is mentioned by Dosiadas as in use in Krete (Athen. 143 b), but he does not say that it was of gold. Silver staters occur in a fine of a hundred in the Hierapytnian inscription, Cauer, 117, 5, and are certainly meant here (x, 15-21, xi, 31-36). The Aiginetan silver stater was worth 2 drachmas (the proportion in i, 4-9), and coins of this size, as well as drachmas of Gortyna, are known with the legend *Γόρτυνος τὸ παῖμα* (Momms. Geschicht. Röm. Münzw., p. 44; see Comparetti's fac-simile).

5. *ἀπετάρω*: The single instance of the occurrence of *ἀφείταιρος* in our literary sources is in Pollux (3, 58), where he censures the historian Theopompos for using *ἀπολῖται*, *ἀφείταιροι*, and *ἀπαθηναῖοι*. The evident sense of all three is non-citizens. Here, too, it designates the same, those who were excluded from the *ἐταιρεῖται*, or mess-companies (see x, 38), in which all citizens were enrolled. The gradation of fines in this table shows that their position in the community was regarded as ten times meaner than the free person, but four times higher than the *φοιξεύς*. The contrast with the free person may seem to exclude the metic and freedman, and indicate some other condition of dependence. From Sosikrates and Kallistratos (Athen. 263) it has been inferred that there were four subject-classes in Krete,—first, the purchased house-slaves (vii, 11, ii, 11) of the city; next, two classes that are compared to the helots of Lakedaimon, (1) the *klarotai* or *aphamiotai* who lived upon, and cultivated, the estates of private persons in the country (iv, 34), and (2) the *mnoitai*, who were attached to and cultivated the extensive domains of the state, from which came in much of the revenue that supported the public tables, for men, women and children. Lastly, we should expect a body of *perioikoi* of still higher rank, corresponding to those of Lakedaimon, and Sosikrates appears to assert the existence of such a class. He is followed by Hoeck, Müller, Schoemann; while Grote and some others dissent, inasmuch as Aristotle uses the word, but seems to restrict it to a comparison with the helots (Pol. ii, 10, 2; 5, 16). In this code, *δῶλος* is a general term including any form of servitude (so Aristotle); *φοιξεύς* is restricted by iv, 33-6 and his dependence on the master (*πρόστας*) to the *klarotai*. Whether it may ever include the *mnoitai* I see no evidence to decide. On the whole it seems to me most likely that the *aphetairos* is the *perioikos* or *ἐπὶ χῶρος* of Sosikrates, who "were merely dependants, and in no sense members of the State under whose dominion they stood" (Schoemann, Ant. p. 300). [C. regards the *ἀφείταιρος* as a species of *ἐλεύθερος*, whether suffering from *ἀτιμία*, a *perioikos*, *ὑπομίσθων*, or what not; D. as a freedman, BZ. as *perioikos*].

8. *Φοικεύς*, is Homeric and archaic; *Φοικέα*, now known for the first time.

11. *ἐνδοθιδίαν*: Formed like *προσθιδίος*, *ἐντοσθιδίος*, etc., BZ.

14. *πεδ' ἀμέραν, ἐν νυττί*: Cf. *μήτε ἐν νυκτὶ μήτε πεδ' ἀμέραν*, Drierian inscription, Cauer, 121, A 40. The assimilation in *νυττί* has its parallel in *Λυττός* for *Λυκτός*; cf. Cauer, 117, 3-24, and the Italian *notte*.

15. *ὀρκιωτέραν*: Cf. iii, 50, iv, 6. If two parties offer themselves for the oath, the right to swear belongs especially to this party, BZ.

18. *ἀκείοντος*: *ἀκείει τηρεῖ*, Hesych. [So D., BB.; = *ἀκούοντος*, BZ.] The *καδεστάς* is not limited in this inscription to relatives by marriage (cf. xii, 27; *κηδεσταί συγγενεῖς, καταχρηστικῶς*, Hesych.).

20-21. *μαῖτος*: Naturally the one who rescued the maiden.—*αἰλεθῆ*: cf. ii, 30, v, 24, vii, 10, ix, 42, x, 44, xi, 4, 42. The laws of Drako (Paus. ix, 36) and of Solon (Plut. Sol. 23) allowed the captor to slay the adulterer taken in the act, as did the Roman law, where also a distinction is made as to the house (Paul. Sent. ii, 26). At Athens compensation was also admitted (Dem. Neair. 65-66), or prosecution. In the earliest days no immunity existed for slaying the adulterer (Paus. ix, 36).

34. *ἐπὶ τοῖς*: iii, 48, iv, 1, 5, 19, 22, 37, v, 32, vi, 17, 38, etc.

35. At Athens, after the conviction of the adulterer the captor "may do with him as he will," without a weapon (*ἐπὶ τοῦ δικαστηρίου ἄνευ ἐγχειριδίου χρῆσθαι ὅτι ἂν βουληθῇ*, Dem. Neair. 66).—*λείωντι*: v, 30, 42, x, 18, xi, 33; *λείοντος*, viii, 22; *λείονσαν*, vii, 42; *λῆ*, iii, 18, 37, iv, 48, vi, 7, vii, 37, 52, 53, etc.; *λείοι*, viii, 13, 23.

36. *δολώσασθαι*: *ἀδίκως ἐπιβεβουλεύσθαι*, Dem. Neair. 66. The case of Epainetos against Stephanos there well illustrates this reading. F.'s *δολώσασθαι* is favored by the manuscript reading of Ael. Var. Hist. xii, 12, *ἐπιπράσχετο δημοσίᾳ εἰς στατήρας πεντήκοντα, κ. τ. λ.*, which has been variously emended, the reading of Perizonius, *εἰσεπράσσετο*, according rather with *δολώσασθαι*. Aelian is speaking of the adulterer at Gortyna.

39. *πέντον*: Cf. Pomptius, Pontius; BZ. C. compares these additional oath-takers to the "oath-helpers" in old German law. Yet they might at times be actual witnesses of the fact, as when Euphiletos takes care to bring witness to his taking of Eratosthenes (Lys. 1, 23-24).

40. *Ἐν αὐτῷ*: Apollonios Dysk. de pron. p. 106, Bekk., quotes the following from Hesiod, of Endymion: *Ἐν δ' αὐτῷ θανάτου ταμίας.—ἐπιυρώμενον*: Cf. *ᾧμοσεν ἐξώλειαν ἑαυτῷ καὶ τοῖς πασιὼν ἐπαρώμενος* (Lys. 12, 10); and the Kretan imprecations in oaths, Cauer, 116, 117, 121.

43. *πάσαν*: cf. vii, 14.

46. *Ἐὰ αὐτῶς*: Fabricius makes this one word throughout (ii, 49, iii, 18, 25, 32, 36, 42, iv, 26, x, 38); it is the possessive and the personal

pronoun, exactly similar to the ordinary reflexive possessive, as in *τοῖς οἰσιν αὐτοῦ*, Soph. O. R. 1248; Od. δ 643, ο 262; Isaïos, 3, 70-71.

47. *ἄτι*: ii, 51, iii, 20, iv, 32, vi, 5, 8, viii, 3, ix, 43, xi, 4. The wife's property is regarded throughout as a separate and individual possession, and was kept apart as far as possible. As at Athens, it was returned in case of divorce, except for adultery on the part of the wife, which may be implied below.—*ἦτε*: Cf. Is. 2, 9; *τὰ ἱμάτια δ' ἦλθεν ἔχουσα παρ' ἐκείνων*.

49. *τάνν*: Cf. *τόννς*, vii, 9.—*ἡμίναν*: *ἡμίσαν*, viii, 4.—*ἐς*: Often throughout for *ἐκ*.

52. Fabricius punctuates with a period after *στατήρανς*, and comma after *ἑ. εὔσιος*, which gives a harsh construction of the language. Yet at Athens the dower was returned in case of mutual agreement to separate. See below, xi, 46-53.

53. *ἑ[λ]εῦσιος* is tempting. I advanced the theory some years ago (Phaeacians, p. 116) that this stem seemed capable of the digamma in Homer, and compared the Kypriote *Εὐφέλων*. [C. reads *τελεύσιος*, *del fatto*. *χηρεῦσιος*, BZ., BB., has everything in its favor but the copy.]

COLUMN III. 8. Artemis appears among the deities sworn by in the oath of the Hierapytnians, Cauer, 116, and the Drerians, 121. Cf. Ditt. S. I. G. 113, 10. Her temple in Gortyna is mentioned as the chief sanctuary of the city, where Hannibal deposited his wealth (Nep. Han., 9); cf. *Γορτυνίδα νόμφην, ἔλλοφόνον, Βριτόμαρτιν*, Kallim. Hymn to Artemis, 190.—According to Konon (Phot. Bekk., p. 137) Gortyna was founded by Dorians from the Lakedaemonian Amyklai. A town Amyklaion in Krete is noticed by late writers as possessing a harbor, but its situation is not known.

9. *τοξίαν*: Like the Homeric *λοχέαιρα*, ζ 102; *τοξόδαμον Ἄρτεμιν*, Eur. Hipp. 1451.—*ἀπομοσάνσα*: Platō (Legg. 948) has some good remarks upon the value of such an oath of denial in early times as compared with his own, and the Spartans appealed to the Delphian oracle as given by Herodotos, vi, 86. According to Plato, Rhadamanthos instituted a quick and easy method of deciding suits, by giving the oath in all cases to the parties in dispute. Here the oath is given mostly to the accused party, iii, 9, 49, iv, 6, ix, 54. [Originally the oath appears universally as an oath of exculpation. Witnesses at Athens were sworn; not so here, nor in many systems of law, BZ. They regard ii, 15, iii, 50, as of a different character.]

12. *χρέος*: Cf. *ἀποτεινὼν τότε χρέος δ κα σολάση*, Kretan inscription, Bull. Corr. Hellén. 1885, p. 11.—*αὐτόν*: This form occurs too frequently (iii, 4, 5) as an apparent neuter, to be a mere grammatical error. It conforms to *ταῦτόν, τοιοῦτόν*. Per contra *ἑλαστο*, vi, 31. For similar forms in modern Chiote and Kypriote see Reinach, *Manuel de Philol. Class.* II. p. 177.

13-15. *συνεσάδδῃ, συνεσάξαι*: Obtained most easily in form from *συνεσάπτω* [BZ., BB., Blass], in sense from *συνεξάγω* [C.], with *ι* formation in present. To "assist in packing off" is picturesque English.—*ὁ δικαστὴς ὁμολογῇ: ὁ Φιλητᾶς, ὁ δικαστὴς, ὤμνυε Πάνα καὶ Νύμφας μηδὲν ἀδικεῖν Δάφνιν* (Longos, ii, 17).

17. At Athens a widow with children could leave her husband's home, taking with her all her dower, and her relatives give her again in marriage (Dem. 1010), or she could be left to another husband by will of the deceased (Dem. 814, 1110). A second marriage was no doubt admissible also if she were left childless, both in this code (cf. viii, 34) and at Athens. Plato would have her second marriage depend on her age, Legg. 930. In the event of her dying childless the property reverted to her relatives, as here.

20. *κατὰ τὰ ἐγγραμμένα*: x, 15. For such a gift at Athens, see Lys. 32, 15. [Present made on approaching death, to compensate for deprivation of dower-right to husband's property. Not Attic, BZ.]

23. *ἐνδίκον*: Equivalent in sense throughout this code to the later *ὕπὸδίκος*, as in the convention between Lyttos and Malla, Bull. Corr. Hellén. 1885, p. 11.

27. *ἐνδοθεν*: Cf. *ὁ μὲν πεπραμένος εἴη τοῦ σίτου, ὁ δ' ἐνδον ἀποκείμενος*, Dem. 1040, 1048.

37. *κόμιστρα*: *τὸ ἔργον φορά, ὁ μισθὸς κόμιστρον* (Pollux). Reward for saving the life of Agamemnon (Aisch. Ag. 965); pay for bringing up Kerberos (Eur. Herc. Fur. 1387). Is it here a present to a bride to carry with her? [So C., D.] Solon limited this to three garments and appurtenances of small value (Plut. Sol. 20). [BZ., *funeraticia*; also a conjecture of mine because of context; cf. Plut. Sol. 21. The English funeral rings might be compared. "Pflegetgelt bei der Ehescheidung," BB.]

38. *Ἔῤῥμα*: *Ἰῤῥμα ἱμάτιον*, Hesych.

41. *δώω*: *ζώω*: Cf. iv, 21, 27, vi, 2, ix, 33, 41.

42. *ἀποθανόντος*: *ἐπιθυμῶ . . . πυθέσθαι . . . πότερον ἢ ἐγγυητὴ γυνὴ ἀπέλιπε τὸν ἄνδρα ζῶντα ἢ τελευτήσαντος τὸν οἶκον αὐτοῦ* (Isaios, 3, 8; cf. 3, 78, Dem. 1010). *ἀπόλειψις* is used of leaving the husband's home to return to relatives, as well as of divorce, and here refers to both with great conciseness.

44. *χηρεύουσα*: *χήρα ἢ μετὰ γάμον μὴ συνοικοῦσα ἀνδρί*, Hesych. The alternative is between their living apart directly after marriage, as at Sparta, and as Strabo expressly mentions in Krete (482), or after divorce. The connection and provisions seem to demand the latter. [So D., BZ., BB.; widow, C.] See the case of the wife of Kallias in Andokides Myst.

125–126, and the daughter of Neaira, Dem. 1362, 51, 1364, 56–8. At Sparta to bring up or expose a child was not in the power of the father, but it had to be submitted to the eldest of the tribe (Plut. Lykurg. 16).

45. ἐπελεῦσαι: Shown to be transitive by the minor inscription published by C., who also cites ἐλευσίω· οὔσω, Hesych.

54. F.'s ὀπυίη is contradicted by χηρεῦνσα and iv, 19.

COLUMN IV. 1. ἐπὶ τῷ πάντα ἤμεν: Probably ἡ τράφεν ἡ ἀποθήμεν are to be supplied from iii, 49 (cf. iv, 9–14); but actual possession is also implied. At Athens such marriage as was allowed to slaves was habitually between those of the same master, and the children followed the condition of the mother. Plato would give the child of a female slave, by whatever father, to the master of the female; but the child of a male slave by a free woman to the master of the male. (Legg. 930). Here, the law is laid down only for cases where the serfs belong to different masters, but it is not likely that marriage was always contracted in this way. The right of a master to the child whose parents were both his serfs is taken for granted. The serfs of the middle ages could not marry without the consent of the master.

3. τῷ αὐτῷ: If she should be divorced, and re-married within the same year, the child of that year shall belong to the master of her husband, not to her early master to whom she would return upon her divorce. Re-marrying the same husband is contemplated viii, 22–23. "For the same master" BZ.; "subito di nuovo," C.; "si la femme épouse de nouveau le même homme," D.; so BB., Blass, whose reading is here accepted.—αὐτῷ: Cf. ἐπτάκτιν, BZ.

7. τὸν ἐπελεῦσαντα: The masculine is intended to include the master who acts as the representative of the serf, as the *καθεσταί* for the free woman, iii, 50.

15. στέγα: The house is an important factor in the proceeding, iii, 46.—δποι: Cf. xi, 5, οἶ, Cauer, 117, 17; τοῖ· ὦδε, Κρητες, Hesych.

16. ὁρῇ (αι): If this is right (αι being repeated by the stone-cutter from the following αι, as παι, viii, 9 [So BB., Blass.]), the formal act of going is regarded as sufficient (cf. viii, 37–38), the witnesses testifying later if necessary to the performance of the duty. [The following apt illustration is noticed by BZ. from Roman law, (Dig. 25, 3): *Permittit igitur mulieri, parentive, in cuius potestate est, vel ei cui mandatum ab eis est, si putet praegnatem, denunciare intra dies triginta post divortium connumerandos ipsi marito, vel parenti in cuius potestate est; aut domum denunciare, si nullius eorum copiam habeat.* Le mot ὁρεῖται est le subjonctif dorien du verbe ὁράω, D.; opt. as παρῖσχαίεν, Cauer, 119, 31, BZ.]

28. ἐπάνανκον: This form also in the Pergamenian inscription, C. I. G. 3562.—δατῇθθαι: Cf. 30, 38, v, 30, 32, 34, 42, 45, 51.

29. ἀταθείη: 30, vi, 23, 43, ix, 14, x, 21, 23, xi, 34, 41. Among the Lokrians a law forbade the selling of property unless one could show that some great misfortune had befallen him (Arist. Pol. ii, 7, 6.). [BZ., BB., Blass would confine ἄτα, etc., to fines.]

32. The houses in the city are regarded as especially the homes of the heirs (viii, 1-2). These, with their contents, as well as any houses on the estates in the country, if not occupied by serfs, go to the sons, together with the cattle belonging to the deceased. But the houses inhabited by the serfs belonged like the serfs themselves to the soil, and were regarded as part of the property producing income, of which the daughters had their share. It will be seen that the serf furnished his house from his own means, and could possess cattle in his own right, apart from those of his master, which probably he also tended.—ἐν πόλει — ἐπὶ χώρα: The same contrast in the Hierapytnian inscription, Cauer, 119, 10: ἐν τ' αὐταῖς ταῖς πόλεσι καὶ ἐπὶ τῇ χώρᾳ.

43. The Athenian law made no distinction in these relations between real and personal estate. Sons received all the property in equal shares, but were expected to give the daughters a suitable marriage portion, maintaining them meanwhile. Plato (Legg. 923), with his specific number of lots in the state, would have the father select any one of his sons to succeed him in possession of the lot and its appurtenances, but the successor is not to receive anything further if there are other sons; to these the father may give as he pleases, and to daughters if not betrothed. Strabo (482), after Ephoros, says that in Krete the dower (ἐερνή) of a daughter who has brothers is half the portion of the brother. This in our code is not a dower but an inheritance, though it may be paid prospectively as dower in whole or in part, and has the above limitation. [At Delphoi and Tenos, daughters succeeded to a portion of the property, BZ.]

47. This seems to mean that the daughter received one part in three. It is to be remembered that daughters were maintained from the public tables, and brothers could make them presents (v, 3).

52. [ύτεια: Cf. ὅτεω, Ion.; τεῖον · ποῖον, ἡρῆτες, Hesych., BZ.]—προθ: Before this code went into operation; cf. v, 8, vi, 24, ix, 17, xi, 21, xii, 17, and ἔδωκε.—ἐπέσπενσε: This meaning arises from the libation poured to ratify the transaction (v, 3, vi, 11, 14, 19, 21, x, 28). [Cf. *spondere*, C.; *dos aut datur . . . aut promittitur*, Ulp. Fr. vi, 1, BZ.]

COLUMN V. 5-6. We have here the date of the code, according to *kosmoi*, and the point from which it was to go into operation; cf. ὅτε Σύλων εἰσῆγει τὴν ἀρχήν, Dem. 1133, 1100; πρὶν ἢ Σύλωνα ἄρξαι, Plut. Sol. 19.

The reading and explanation of the passage are due to C. Halbherr discovered an inscription of Lyttos of the imperial period, in which the

στάρτος is mentioned as a division of the people, separate from the tribes, and Hesychios gives *στάρτοι· αἱ τάξεις τοῦ πλῆθους*. In the Drierian inscription (Cauer, 121; cf. Bull. Corr. Hellén. 1885, p. 16), *Αἰθαλέων*, in the expression ἐπὶ τῶν Αἰθαλέων, κοσμιόντων τῶν σὺν Κούρᾳ καὶ Ἐεφάλῳ, has been supposed to represent the family from which the *kosmoi* were elected. The present reading refers it to the *στάρτος* from which the *kosmoi* of that year were chosen. C. supposes that each *στάρτος*, like the tribe, possessed a name, and that the right of electing *kosmoi* went round in rotation among them.

10. It will be observed that no right of disposal of one's property by will is recognized in the code. This permission was introduced at Athens by Solon (Plut. Sol. 21, Dem. 1100), where the right of hereditary transmission was much the same as here laid down, (1) to immediate descendants, (2) brothers or brothers' descendants, (3) sisters or sisters' descendants; then more remote, males taking precedence (Dem. 1067).

27. *κλᾶρος*: As at Athens, in default of blood relations the property passed to the *γένος* or gens (Grote, Hist. Gr., Part II, Ch. 10), so here the *klaros* seems to represent the descendants, however remote, but still traced (cf. τοὺς ἀπὸ τῶν ἑκατὸν οἰκιῶν, among the Epizephyrian Lokrians, Polyb. xii, 5, 8), of the original Dorian settler on the original allotment of land (cf. ὁμοκάπους, Arist. Pol. i, 2, 5). [The *κλαρῶται*, C., who compares the Roman *clientes*; so BZ., BB., Blass (would they then become emancipated?); those designated by lot, D.] Polybios (vi, 46) knew of no restriction in the possession or division of landed property in Krete, nor is there any such restriction in this code. On the contrary, a premium is set upon division, below in lines 32–34 (cf. Hm. § 209).

29. οἱ ἐπιβάλλοντες: Kinsmen in any degree (cf. Hdt. iv, 115, Luke xv, 12), except when used of the heiress (*δουίεν*): then it is limited by vii, 15–27.

31. *δικάζαι*: The Athenian *δίκε* εἰς δατητῶν αἵρεσιν (Suidas, *δατεῖσθαι*).

36. *ἐνσεῖη*: C. παρὰ Σώφρονι, ἐγχίρνα ὡς εἶω· τοῦ-έστι κέρασον ἵνα παρυσθῶ, Ahr. II, p. 340. I originally accepted *ἐν-σεῖη* as BZ. For a third verb with *ἄγη* ἢ *φέρη* see Plato, Legg. 885 A, 884, *ἄγη ἢ φέρη ἢ χρεῖται*; cf. Is. 3, 62.

39. *τνατῶν*: For the lenis see x, 25, 43, xi, 24; *Πύτιον*, Cauer, 117, 14, 21, 121 A 24, Bull. Corr. Hellén. 1885, p. 20; *τετνάχη*, C.'s minor inscription.

40–42. C. regards *Φήμας* as a Doric gen. from *Φῆμα*, iii, 38 (*Φήματος*, -ας, -ας); so *ἀνφιδήμας*, with which we may compare *ἀνάδημα* (both fem., 1st decl. here, BZ., BB.). *ἀνφιδήμας* would then include the necklaces, armlets, etc., so important in early days as shown by archaic art. I have supplied *υἱέες*, under the supposition that the paragraph refers to iv, 32–

37. The clothing goes to the sons (iii, 17–23, iv, 33). For *καρπῶ* cf. iii, 27, Dem. 1040. Demosthenes, enumerating the property of his father, says (816): *οἰκίαν, ἐπιπλά δὲ καὶ ἐκπώματα καὶ χρυσία καὶ ἱμάτια καὶ κόσμους τῆς μητρὸς*: cf. Is., 8, 35: *ἀγρόν, οἰκίαν δ' ἐν ἅσται δύο, ἔτι δὲ ἀνδράποδα . . . καὶ ἐπιπλά δι' ὧν ὥκει τὴν οἰκίαν . . . σύμπαντα δὲ ὅσα φανερά ἦν*. Lys., 32, 16, 32, 4: *τὴν μὲν ἀφανῆ οὐσίαν ἐνείμαντο, τῆς δὲ φανεραῦς ἐκκοινωνοῦν*.—*τῶν τιμῶν*: *τῶν ἀνδραπόδων πιπρασκομένων τὰς τιμὰς ἐλάμβανεν*, Dem. 817.

45–6. Cf. Is. 9, 17.

47. *ὠνῆν*: *ὠνεῖν, πωλεῖν*, Hesych. Noted also by Zonaras.

II.¹

TEXT.

VI.

**Ας x' ὁ πατὴρ δώῃ, τῶν τῶ π-*

- ατρὸς χρημάτων πὰρ υἱός | μὴ ὠνῆθαι μηδὲ καταθῆ-*
 5 *εῖθαι· ἄτι δέ x' αὐτὸς πᾶσηται ἢ ἀπολάβῃ, ἀποδιδόθῃ,*
αἶ κα λῆ. μηδὲ τὸν πατέρα τὰ τῶν τέκνων, ἄτι x' αὐτοὶ πᾶσων-
 10 *ται ἢ ἀπολάχωντι, μηδὲ τὰ τῶν γυναικὸς τὸν ἄνδρα ἀπο-*
δόθαι μηδ' ἐπισπένσαι μηδ' | υἱὸν τὰ τῆς μητρός. αἱ δ-
έ τις πρίαιτο ἢ κατὰθειτο ἢ ἐπισπένσαιτο ἄλλα δ' ἔγρατ-
 15 *τα]ε ἢ τάδε τὰ γράμματα ἐγ[ρατται, τὰ] μ[ε]ν*
χρήματα ἐπὶ τῇ μητρὶ ἦμ[εν] x' ἐπὶ τῇ γυναικί, ὁ δ' ἀπο-
 20 *δόμενος ἢ καταθένης ἢ ἐπι|σπένσανς τῷ πριαμένῳ*
ἢ καταθεμένῳ ἢ ἐπισπεν|σαμένῳ διπλῇ καταστα-
σεῖ καὶ τί x' ἄλλ' ἀτάσῃ τὸ ἀπλόον· τῶν δὲ πρόθῃ μὴ ἔν-
 25 *δεικον ἦμεν. αἱ δέ x' ὁ ἀντίμ[ολος] ἀπομολῇ ἀνφὶ τὸ χρ-*
εὸς ᾧ x' ἀνφίμολίωσι, μ[ὴ] ἦμεν τῶς ματ[ρ]ός ἢ τῶ-
 30 *ς γυναικός, μολῇν ὅπῃ x' ἐπ[ι]βόλλῃ πὰρ τῷ δι[σ]αστῇ*
ἢ Φέκαστο ἔγρατται. Αἱ δέ x' ἀποθάνῃ μᾶτηρ τέκνα καταλιπό-
νσα, τὸν πατέρα καρτερὸν ἦμεν | τῶν ματρῶν, ἀποδοῖθαι δὲ μὴ
 35 *μηδὲ καταθέμεν, αἶ κα μὴ τὰ τέκνα ἐπανέσῃ δρομέες ἰόντες·*
α]ε δέ τις ἄλλῃ πρίαιτο ἢ κατὰθειτο, τὰ μὲν χρήματα ἐπὶ τοῖ-
 40 *ς τέκνοις ἦμεν, τῷ δὲ πριαμ[ένῳ] ἢ καταθεμένῳ τὸν ἀποδ-*
όμενον ἢ τὸν καταθέντα τὰν | διπλείαν καταστῆσαι τῶς τ-
ιμῶς καὶ τί x' ἄλλ' ἀτάσῃ, τὸ ἀπλόον. αἱ δέ x' ἄλλαν ὀπυῖν, τὰ τ-

VI. 1. (δ) F.—23. ἀτάσῃ F., Blass; ἄτας ἢ C., BZ., BB.—31. Φέκαστο F., BB.; Φεκᾶστο C., BZ., Blass.—36. ἐπανέσῃ C.—42. διπλήμιαν C.

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TRANSLATION.

As long as a father lives, no one shall purchase any of his property from a son, or take it on mortgage; but, whatever the son himself may have acquired or obtained by inheritance, he may sell if he will: nor shall the father sell or promise the property of his children, whatever they have themselves acquired or succeeded to, nor the husband that of his wife, nor the son that of the mother. And, if any one should purchase, or take on mortgage, or accept a promise, otherwise than as written in these writings, the property shall still belong to the mother and the wife, and the one who sold or mortgaged or promised shall pay to the one who bought, or accepted the mortgage or promise, two-fold, and, if he shall have caused any other loss, he shall pay one-fold in addition; but, as regards transactions under earlier laws, there shall be no ground for action. But, if the defendant shall contend in court, in relation to the matter about which they are disputing, that it does not belong to the mother or the wife, the case shall be adjudicated as is proper before the judge, as each thing is written.

If a mother die leaving children, the father shall be trustee of the mother's property, but he shall not sell or mortgage unless the children assent, being of age; and, if any one should otherwise purchase or take on mortgage, the property shall belong to the children; and to the purchaser or mortgagee the seller or mortgagor shall pay two-fold the value, and, if he shall have caused any other loss, one-fold. But, if he wed another wife, the children shall have control of the mother's property.

- 45 ἐκν[α τῶ]ν [μα]τρῶν καρτερόν[ς] ἦμεν. Αἱ κ' ἐδ θυ(σ)[πραξίας] φέ-
 ρ(α)[ται] ἐξ ἀλλοπολίας ὑπ' ἀνδνας ἐχόμενος κ' ἐλο[μ]ένω τι-
 50 ς λύσεται ἐπὶ τῷ ἀλλυσαμένῳ ἦμεν πρίν κ' ἀποδῶ τὸ ἐπιβδ-
 λλον. αἱ δέ κα μὴ ὁμολογίω[ν]τι ἀμφὶ τὰν πλγθὺν ἢ γὰρ ἐλομέ-
 νῳ αὐτῷ λύσασθαι, τὸν δικαστὰν ὁμνόντα κρίνεν πορτὶ τὰ
 55 μ]ολιόμε[να]. οεκειθεροτ(?)ονΔΓ
- VII ἐπὶ τὰν ἐλευθέραν ἐλθὼν ὀπιύη, | ἐλεύθερ' ἦμεν τὰ τέκνα, αἱ δέ κ'
 ἀ ἐλευθέρα ἐπὶ τὸν δῶλον, δῶλ' ἦμεν τὰ τέκνα. αἱ δέ κ' ἐς τὰς αὐτ-
 5 ᾤς ματρὸς ἐλεύθερα καὶ δῶλα | τέκνα γέννηται, ἢ κ' ἀποθάνῃ ἀ
 μάτηρ, αἱ κ' ἢ χρήματα, τὸν ἐλεύθερον ἔχεν· αἱ δ' ἐλεύθεροι
 10 μὴ ἐξείεν, τὸν ἐπιβαλλόν[τα]ν ἀναλῆθαι. Αἱ[ι] κ' ἐξ ἀγ-
 ορῶς πρ[α]μνος δῶλον μὴ π[ε]ραιώσῃ τὰν φεζήχοντ' ἀμ-
 ερῶν, αἱ τινὰ κα πρὸθ' ἀδική[κῃ] ἢ ὕστερον, τῷ πεπαμμέν-
 15 ῳ ἐνδικον ἦμεν. Τὰμ πα[τ]ρι[ω]χ[ο]ν ὀπιεύθαι ἀδελφι-
 ῳ τῷ πατρὸς τῶν ἰόντων τῷ | πρεγ[ι]στῳ· αἱ δέ κα πλῆες πατ-
 20 ρωῶχοι ἴωντι κ' ἀδελφι[ο]ι τῷ πα[τ]ρὸς[ς, τ]ῷ ἐπιπρεγίστῳ ὀπι-
 εθαι· αἱ δέ κα μὴ ἴωντι ἀδελφι[ο]ι τῷ π[α]τρός, υἱέδ δέ ἐξ ἀδελ-
 φῶν, ὀπιεύθαι ἰῳ τῷ [ε]ς τῷ π[ε]ρεγίστῳ· αἱ δέ κα πλῆες ἴωντ-
 25 ι πατρωῶχοι κ' υἱέες ἐξ ἀδελφῶν, ἀλλῳ ὀπιεύθαι τῷ ἐπ-
 ἰ τῷ ἐς [τ]ῷ πρεγ[ι]στῳ. μίαν δ' | ἔχεν πατρῳ[ω]χον τὸν ἐπιβδ-
 30 λοντα, πλῆαδ δέ [μ]ή. ἄδ δέ κ' ἀν[ω]ρος ἢ ὁ ἐπιβδλλων ὀπιεύν ἢ
 ἀ πατρῳῶχος, [σ]τέγαν μὲν αἱ | κ' ἢ ἔχεν τὰν πατρῳῶχον, τῷ
 δ' ἐπικαρπίας παντὸς τὰν ἡμ[ί]ναν ἀπολανχάνεν τὸν ἐπιβ-
 35 ἀλλοντα ὀπιεύν. αἱ δέ κ' ἀπό[θ]ρομος ἰὼν ὁ ἐπιβδλλων ὀπι-
 εύν, ἡβίον ἡβίονσαν μὴ λῆ ὀπιεύν, ἐπὶ τῇ πατρῳῶχῳ ἦμε-
 40 ν τὰ χρήματα πάντα καὶ τὸν κ[α]ρπὸν πρεῖν κ' ὀπιεύ· αἱ δέ κα
 δρομεὺς ἰὼν ὁ ἐπιβδλλων ἡβίονσαν λείονσαν ὀπιε-
 θαι μὴ λῆ ὀπιεύν, μολῆν τῶς | καδεστάνς τῶς τῶς πατρῳ-

VI. 46-47. αἱ κ' ἐδ θυ... περ... ἐξ F.; αἱ κ' ἐδ θυ(σ)[μενία γὰν]? περ(ᾱ)[ι
 τι](ς) ἐκς C.; ἐδ θυ[σμενίανς] περα[ιῶθῃ] BB.; θυ(σ)[πραξίαν](?)—52. ἢ μὴ and space
 for letter, F.; ἦμε[ν] C.; μῆθ(?)—55. οεκειθεροτ(?)ονΔΓ copy; [Αἱ δέ κ' ὁ ἐλεύθερος]
 F.; ὁ ἐ(λ)ε(ν)θερωτ(ς) α(ι)[κ] C.; ὁ ἐκεῖθ' ἐρωτῶν α[ι κ'] BZ.; ὁ ἐκεῖθ' ἐρωτῶν ἔ BB.

VII. 9. τὸνς C.—13. ἀδικηκίη F.; ἀδικ' ἐκῃ ἢ ὕστερον C.; ἀδικήκη ἢ: so D., BZ.,
 BB.—20. ἐπὶ πρεγίστῳ C.

If any one be brought out of misfortune from sojourn abroad (where he has been) held by force, and one have released him at his desire, he shall be in the power of the one who released him until he pay what is proper; but if they do not agree upon the amount, or he did not himself request (the other) to release him, the judge shall decide according to the pleadings.

*Ransomed
prisoners.*

If a free (?) man going to a free woman shall wed her, the children shall be free; but if the free woman to a slave, the children shall be slaves; and if from the same mother free and slave children be born, if the mother die and there be property, the free children shall have it; but, if free children should not be born of her, her relatives shall succeed to the property.

Miscegenation.

If a person should purchase a slave from the market-place, and should not complete the transaction within 60 days, in case he shall have done any wrong before (the 60 days have expired) or after, there shall be ground for action against the one who has acquired him.

*Responsibility
for the acts
of a slave.*

The heiress shall marry the brother of her father, the eldest of those living; and, if there be more heiresses and brothers of the father, they shall marry the eldest in succession. But if there be no brothers of the father, but sons from his brothers, she shall marry the first one from the eldest (brother); and if there be more heiresses and sons from brothers, they shall marry the sons of the eldest in succession. The groom-elect (relative to whom she belongs by right) shall have one heiress, but not more. As long as the groom-elect is too young to marry, or the heiress, a house, if there be one, the heiress shall have, but the groom-elect shall receive half of the income of all the property. And if the groom-elect be still under 17 but above puberty, and the heiress also, but he do not wish to marry her, all the property shall belong to the heiress, and the income, until he marry her. But if he, being of age (above 17), do not wish to marry the heiress, now of proper age and willing to marry him, the relatives of the heiress shall bring the matter to trial, and

*Rights and
Obligations of
heiresses.*

- 45 ὡχω, ὁ δὲ [δ]κα[σ]τ[ά]ς δα[αζά]τω ὀπυίεν ἐν τοῖ[ς] δ[υ]οῖς μη-
 νσί· αἱ δὲ κα μὴ ὀπυίῃ, ἥ ἔγρα[τα]ται, τὰ χρήματα πάντ' ἔχονσα-
 50 ν αἱ κ' ἢ ἄλλος, τῷ ἐπιβάλλοντι|ε, αἱ δ' ἐπιβάλλων μὴ εἴη, τῷ
 φυλᾷ τῶν αἰτιόντων δτιμ[ί] κα λῆ ὀπυίεθαι. αἱ δὲ κα τῷ-
 ε ἐπιβάλλοντι ἡδίσονσα μὴ λῆ|ε ὀπυίεθαι ἢ ἄνωρος ἢ ὁ ἐπι-
 βάλ[λ]ων [κα]ῖ μ[ὴ] λῆ μέν]εν
- VIII ἁ πατρῶχος, στέγαμ μὲν | αἱ κ' ἢ ἐν πόλει τὰμ πατρῶχο-
 ν ἔχεν κ' αἱ κ' ἐνῇ ἐν τῇ στέγῃ, τῶν δ' ἄλλων τὰν ἡμίσαν θ-
 5 ιαλαχόνσαν ἄλλῃ ὀπυίεθαι τῷ φυλᾷ τῶν αἰτιόντων
 δτιμ[ί] κα λῆ· ἀποδατῆθαι δ|ε τῶν χρημάτων ἰφ. αἱ δὲ μὴ
 10 εἶεν ἐπιβάλλοντες ταῖ (παι) π||ατρῶχῳ δ[ε] ἔ|γγρατται, τὰ χρ-
 ῆματα πάντ' ἔχ[ον]σαν τῷ φυλᾷ ὀπυίεθ[α]ε δτιμ[ί] κα λῆ.
 αἱ δὲ τῷ φυλ[ᾷ]ς μῆτις λείοι δ[π]υίεν, τῷ καδεστάνς
 15 τῷ τῷ πατρῶ[ω]χῳ Fε[?](π)αι κατὰ [τὰν φυλ]ᾶν, ὅτι οὐ (λ)[ῆ] δ[π]υ-
 ίεν τις; καὶ μὲν τίς [κ' δ]πυίῃ, ἐν ταῖς τριάκοντα, ἢ κα Fεῖπων-
 20 τι· αἱ δὲ μ[ὴ], ἄλλῃ ὀπυίεθαι δτιμ[ί] κα νύναται. αἱ δὲ κα πατρὸ-
 ς δόντος ἢ ἀδελφῶ πατρῶ[ω]χος γένηται, αἱ λείοντος ὀπ-
 υίεν ὃ ἔδωκαν, μὴ λείοι ὀπυίεθαι, αἱ κ' ἐς τετεκνωται, δια-
 25 λαχόνσαν τῶν χρημάτων ἥ ἔ|γγρατται, [ἀλλ]ῃ ὀπυίε[θαι τῷ]ς φ-
 υ[λ]ᾷ[ς]· αἱ δὲ τέκνα μὴ εἴη, πάντ' | ἔ[χ]ον[σ]αν τῷ ἐπιβάλλον[τ]ε ὀπυ-
 30 ίεθαι αἱ κ' ἢ, αἱ δὲ μῆ, ἥ ἔγρατ[τα]ται. ἀνὴρ αἱ ἀποθάνοι πατρῶ-
 ῶχῳ τέκνα καταλείπων, αἱ κα [λ]ῆ | ὀπυίεθω τῷ φυλᾷ δτιμ[ί] κα ν-
 ύναται, ἀνάνκρ δὲ μῆ· αἱ δὲ τέκνα μὴ καταλείποι ὁ ἀποθανών,
 35 ὀπυίεθαι τῷ ἐπιβάλλοντι ἥ|ε ἔγρατται. αἱ δ' ὁ ἐπιβάλλων τ-
 ᾶν πατρῶχον ὀπυίεν μὴ ἐπ[ί]δαμος εἴη, ἁ δὲ πατρῶχος
 40 ὠρίμα εἴη, τῷ ἐπιβάλλοντι ὀ||πυίεθαι ἥ ἔγρατται. πατρῶ-
 χον δ' ἡμεν, αἱ κα πατὴρ μὴ ἢ ἢ ἀ|δελφὸς ἐς τῷ αὐ[τῷ] πατρός, τῶν
 δὲ χρημάτων κα]ρετόνς ἡμεν τ[ᾶς] Fερ[γ]α[σ]ία[ς] τῷς πατρώας

VII. 45. δικαδότη C.—51. δτιμ: so C.; δτιμ F.—55. ὀπυί]εν [ῆ? F.; [δπ]δ(κα)
 [ετ' ἡβησ]εν C.; μέν]εν BZ., BB.

VIII. 4. ἡμί(ν)αν C.—9. π(αι)ατρ. F.; τᾶι πατρῶχῳ C.—15-16. ε...αι κατα.....
 ανοτιο.....δ]πυίεν F.; text C.—17. τις? [δ]πυίῃ F.; τίς [κ' δ]πυίῃ C.—20, 32. νύναται
 F., BZ., BB.; κ' ἀνύναται C.—21. δόντος F.; δόντος C., BZ., BB.—38. ἐπιδαμώσσει C.—
 41. αἱ C.—ῆ ῆ: so C.; εἴη F.

the judge shall order him to marry her within two months; and, if he do not marry as is written, she with all the property shall wed the next in the succession, if there be another; but, if there be none, she may marry any one she wishes, of the tribe, that may demand her hand.

And if she, being of age to marry, do not wish to marry the groom-elect, or the groom-elect be too young and the heiress do not wish to wait, a house, if there be one in the city, the heiress shall have, and whatever there is in the house, but, sharing half of the remaining property, she may marry another, whomsoever she wish of her tribe demanding her hand; and they shall portion off (the half) of the property to the first one.

If the heiress should have no kinsmen within the limits prescribed, holding all the property she may marry any one of the tribe she wishes. But, if no one of the tribe desire to marry her, the relatives of the heiress shall proclaim throughout the tribe "Does no one wish to marry her?" and, if any one will marry her, (it shall be) within the 30 days, as they shall have declared; and, if not, she shall wed another, whomsoever she may be able to.

If she become an heiress after her father or brother shall have given her in marriage, in case she do not wish to marry the one to whom they gave her, though he be willing, if she have borne children, sharing (with him) the property as is written, she shall wed another of the tribe; but, if she have no children, with all the property she shall marry the groom-elect if there be one, but, if not, as is written.

In case a husband should die leaving children to an heiress, if she wish, let her wed any one of the tribe she may be able to, but it is not compulsory. If the deceased should leave no children, she shall marry the groom-elect as is written. If the one to whom it falls to marry the heiress should not be in the country, and the heiress be of age to marry, she shall wed the (next) in succession as is written. She shall be an heiress if she have no father, or brother from the same father, and the father's relatives shall have control of the work-

- 45 καὶ τῆς ἐπικαρπίας, δι[αλ]α[νχd]ν|εν [τ]ὰν ἡμίαναν, ἄς x' [ἀνωρο]ς ἦ.
αἱ δ' ἀν[ώ]ρωψ ἰάττω μὴ εἴη ἐπιβάλλων, τὰν πατρὺν καρ-
50 τερὰν ἡ[μ]εν τῶν τε χρημάτων x||αἱ τῶ καρπῶ, κᾶς x' ἀν[ω]ρος ἦ, τ-
ράφεθαι [πῦ]ρ τῇ ματρὶ. αἱ δὲ μ[ά]τηρ μὴ [εἴ]η, πᾶρ τ[ο]ῖς [μ]άτρωσι
τράφεθ[αι]. αἱ δὲ τις ὀπίοι τὰν πατρὺν καρπῶν ἄλλῃ δ' [ἐγ]ρατται

- IX τὸν ἐπιβαλλόνταν, αἱ x' | ἀποθανών τις πατρὺν κα-
ταλίπη, ἡ αὐτὸν τὰ χρήματα | ἀρτύνει ἡ πᾶρ τὸν ματρώαν-
5 ς καταθέμεν· [αἱ δ' ἄλλῃ ἀποδοῦντο | ἡ καταθεῖν, μὴ] δικάειν ἡμεν τ-
ὰν ὧν καὶ τὰν κατὰθεσιν· αἱ δ' | ἄλλος πρί[α]τὸ τις χρήματα ἡ
10 κατὰθετο τῶν τῆς πατρὺν κατὰθεσιν, τ||α [μ]ὲν [χρή]ματα ἐπὶ τῇ πατρὺν κα-
τὰθεσιν ἡμεν, ὁ δ' ἀποδοῦμεν ἡ κατὰθεσιν τῇ πριαμένη ἡ καταθε-
μένη, αἱ κα νικάθῃ, διπλῇ κατὰστασεῖ, καὶ τί x' ἄλλ' ἀτάσῃ τ-
15 ὁ ἀπλόον ἐπικαταστασεῖ, αἱ [τὰ]δε τὰ γ[ράμ]ματ[α] ἐγγρατται· τ-
ῶν δ' ἐπὶ πρόθα [μὴ ἐν]δικον ἡμεν. | αἱ δ' ὁ ἀντίμολος ἀπομ[ολ]ί-
20 οῖ ἀν[υ]φ[ί] τὸ χρέος, ὧ x' ἀνφιμολί|ωντι, μὴ τῆς πατρὺν κατὰθεσιν [ἡ]μεν,
ὁ δ[ικ]αστὰς ὁμνὺς κρινέτω· αἱ | δὲ νικάσαι, μὴ τῆς πατρὺν κατὰθεσιν
ῶ [μ]ε[ν], μολῇν ὅπη x' ἐπιβάλλῃ ἡ | Φέκαστο ἐγγρατται. Αἱ ἀνδ[ε]-
25 ἀν[μ]ε[ν]ος ἡ νενικαμέν[ο]ς ἡ ἐνκ[ο]ιωτὰν ὀφέλω[ν] ἡ διαβαλό[μ]ε-
νος ἡ διαφεπόμενος ἀπο[θ]ᾶνοι, ἡ τούτῳ ἄλλος, ἐπιμολ-
30 ἰσά(τ)ω πρὸ τῶ ἐναιτῶ, ὁ δὲ δικαστὰς δικαδδέτω πορτὶ τὰ [ἀ]ποφ-
ωνόμενα, αἱ μὲν κα νίκας ἐπιμολῇ, ὁ δικαστὰς x' ὁ μνᾶμων
αἱ κα δῶη καὶ πολιτεύῃ, οἱ δὲ μ[α]ίτυρες οἱ ἐπιβάλλοντες· ἀνδοχ-

VIII. 45. τ[ο]ῖς [δ' ἐπικαρπ]ίας C.—52. μὴ [ἡ πᾶρ] τοῖς [μ]ατρώσι C.; [εἴ]η ἐ[πὶ] π[ρὸ] μ[ά]τρωσι F.—55. ἰ[σ]θ[ω] ἐ[ν]αν[τι] κ[ό]σ[μ]ω, C.

VIII. 55.—IX. 1—8. (?) ιε ? ? ? . . . τι κοσ ? || τὸν ἐπιβαλλόνταν ἔκεν τὰ κ[ρ]ε-
ματα . αἱ κα πατρὸν κατὰθεσιν, ἡ αὐτὸν κρέματ' ἔκοντι, τὸς πατρώας καὶ τὸν ματρώαν
καταθέμεν [καὶ ἀποδοῦναι τὸν || Fὸν αὐτὸν καὶ] δικάειν ἡμεν τ[ὸν] ὧν καὶ τὰν κατὰθεσιν.
ἄλλῃ δ' αἱ πρί[α]ιτο BB.

IX. 1—2. ἐπιβαλλόνταν, αἱ κα πατὴρ ἡ ἀδελφὸς πατρὸν C.—3—4. αἱ τῶν μ[η]-
ρίων, τὸν πατρώαν καὶ τὸν C.—5—6. [ἡ ἀποδοῦναι τὰ κρήματ' αἱ κ' ἡ καὶ] C.—7—8.
κατὰθεσιν, αἱ δ' ἄλλαι πρί[α]ιτο C.—14. ἄτας ἡ C.—17. το[ῖ]ς δ' C.—24. Φέκαστω C.—
25. νενικαμέν[ο]ς [οἰόταν] F.; [ς τις] C.; [ἡ ἐνκ]οιωτὰν Blass, BB.—ὁπ[ε]λόν BB.,
Blass.—28—29. ἐπιμολίσαι (τ)ῶ πρώτῳ F.; ἐπιμολ(έν) αἱ ὁ πρώτῳ C.; ἐπιμολησάτω πρὸ
τῶ Blass, BB.—32. ἐπιμολῇ ὁ δικαστὰς C.—34—35. ἀνδοχ(δ) δ' ἔκεν κ[ο]ιότῳ F.; ἀνδοκα
δ' ἔκεν κ' οἰότῳ, καὶ διὰ βωλᾶς C.; text Blass, BB.

ing of the property, and share half the proceeds, as long as she is unmarried. In case there be no groom-elect while she is unmarried, the heiress shall have possession of the property and the income, and as long as she is unmarried she shall be brought up by her mother ; but, if she have no mother, she shall be brought up among her mother's relatives. And if any one should marry an heiress, while it is written otherwise . . .

If any one dying leave an heiress, the kinsmen shall either themselves manage the property or mortgage it among the mother's relatives ; and, if they should sell or mortgage it to any other, the sale and mortgage shall not be legal ; and, if anyone else should purchase the property or take a mortgage (on any part) of that of the heiress, the property shall belong to the heiress, and the seller or mortgagor to the buyer or mortgagee, if he be convicted, shall pay double, and if he have done any further harm, he shall pay an equivalent besides, as these writings are written ; but, in case of previous transactions, there shall not be ground for action. But, if the defendant should contend, in relation to the thing about which they are disputing, that it does not belong to the heiress, let the judge under oath decide ; and, if he should gain his case, to the effect that it does not belong to the heiress, suit (for ownership) shall be tried, as is proper, according as each thing is written.

If a person should die who has become a surety, or lost a suit, or owes a loan, or has defrauded any one, or has entered into an agreement, or another (hold like relations) towards him, the case shall be reviewed before the close of the year, and the judge shall decide according to the testimony ; if indeed the case be renewed in relation to a judgment (against the deceased), the judge and the clerk of the court, if he be alive and a citizen, and the witnesses who are

*Actions in
some special
cases.*

- 35 α(δ) δὲ κ' ἐνκοιωτῶν καὶ διαβολῶς καὶ διεήστος, μαίτυρες οἱ ἐπιθ-
 ἀλλοντες ἀποφωνίωντων. ἡ δὲ κ' ἀποφείπωντι, δεκαδδέτω ὁμό-
 40 σας τὰ αὐτῶν καὶ τὸν ματῦρ|ανς ναιῖν τὸ ἀπλόον. Ἰϋς α-
 ἱ κ' ἀνδέξῃται ἄς κ' ὁ πατῆ(δ) δῶν, | αὐτὸν ἀλῆθαι καὶ τὰ χρήματα
 ἄτι κα πέπαται. Αἱ τίς κα πέρα|ε συνπλ(ε)[ίχ]ση ἡ ἐς πέρ[ω] ἐπ:-
 45 θέντι μὴ ἀποδιδῶ, αἱ μὲν κ' ἀποφωνίωνντι μαίτυρες ἡδίωντ-
 ες, τῷ ἑκατονστατήρῳ καὶ πλίονος τρέες, τῷ μείονος μέττ' ἐ-
 50 ς τὸ δεκαστάτηρον δ[ύ]ο, τῷ μεί|ονο[ς] ἔ|να, δεκαδδέτω πορ[τ]ὶ τὰ
 ἀποφω[ν]ιόμενα· αἱ δὲ μαί[τ]υρε[ς] μὴ [ἀπ]ο[φ]ωνίοιεν, ἡ κ' ἐ[λ]θῃ ὁ σ-
 ναλλάξα[ν]ς, ὅτερον κα ἐλῃ[τα]ι ὁ | μενφό[μ]ενος ἡ ἀπομόσαι ἡ συν-

X

- 11 χρεος - - - - - [ἀ]ποδόν-
 τανς το - - - - - Ματρὶ
 15 δ' υἱ[ν] ἡ ἀνδρα γυναικὶ δόμεν ἐ|κατὸν στατήρα[ν]ς ἡ μ|εῖον, π-
 λῖον δὲ μῆ· αἱ δὲ πλῖα δοίη, αἱ | κα λείωντ' οἱ ἐπιθᾶλλοντες τ-
 20 ὄν ἀργυρον ἀποδόντες τὰ χρ[ῆ]ματ' ἐχόντων. Αἱ δὲ τις ὀφέ-
 λων ἀργυρον ἡ ἀταμένος ἡ μ|ολιομένας δίχας δοίη, αἱ
 μὴ εἷη τὰ λοιπὰ ἄξια τῆς ἀ|τας, μηδὲν ἐς χρέος ἡμεν τᾶν
 25 δόσιν. *Αντρω[π]ον μὴ ὠνῆθα|[ε] κατακείμενον, πρὶν κ' ἀλλύσ-
 ηται ὁ καταθένης, μηδ' ἀμφίμο|λον, μηδὲ δέξαθαι μηδ' ἐπιθ-
 30 πένασθαι μηδὲ καταθέθαι· αἱ || δὲ τις τούτων τι φέρξαι, μηδ-
 ἐν ἐς χρέος ἡμεν, αἱ ἀποφωνίοιεν δύο μαίτυρε[ς].
 *Ανφανσιν ἡμεν ὅπω κα τιλ | λῆ. ἀμφαίνεθαι δὲ κατ' ἀγοράν
 35 καταφελμένων τῶμ πολιατῶν ἀπὸ τῶ λάω ὃ ἀπαγορεύοντι.
 ὁ δ' ἀμφανόμενος δότω τῷ|ε ἑταιρεῖα τῷ Fᾶ αὐτῷ ἱαρε-

IX. 37. ἡ: 80 C.; ἡ F., BZ., BB.—38. ὁμόσαντα αὐτὸν BZ., Blass.—42. (ἀγ)έθαι C., BZ., BB.; ἀγῆθαι Blass.—43-44. περα ἐπιθέντι F.; πῆραι συν[ναλλάκ]ση ἡ ἐς πῆρ(αν) ἐπιθέντι C.; συν[ναλ]λ[άκ]σα[ν]τι ἐ ἐς π[έ]ρ[ας] BZ.; συνπλη[ρῶ]ση ἡ ἐς πέρ[αι] Blass; συνα(λ)λ[άκ]σῃ ἐ ἐς πέρ[α]ς BB.—48. μήττες C.—49. τὸ(δ) F.; τὸ C.—50. μεί-
 ονο(δ) (δ' ἐ)ν(ς) C.—52-53. ἐ[λ]θῇ ὁ συναλλάξα[ν]ς. στερων [ἀν ?]ελέ[θαι] F.; ἐ[λ]θῃ
 ὁ συναλλάκσα[ν]ς ὅτερον (μ)ῇ λῆι, (ἀ)ι C.; text, Blass.

X. 10-14. BB. insert the fragment found by Halbherr: [στατήρδ]ν || κρεος . [τῶς
 δ' ἐπ]ιβ[α]λλόντας, | αἱ ὁ ἀνὴρ π[λ]ῖα δ[ο]ίῃ, ἀ]ποδόν[τα]ς τὸ[ν] ἀργύρ[ον] [ἔ]κεν τὰ κρ[έ]ματα,
 αἱ κ[α] λῆ[ι]θ[εν]τι.—14-15. πᾶρ] ματρὶ δ' υἱὸ(ς) [αἱ κα λῆι, καταθέμεν] C.—21. ἀτάμενος, F.,
 C.; ἀταμένος BZ., BB., Blass; -ἐμωλιόμενος C.—26. κατίννηται F.; κ' ἀρτύ(σ)ηται C.;
 text BB.—33. ὁπόκα C.—36. λαῶ ὁ ἀπαγορεύοντι C.—39. ἱαρεύων καὶ προκόων C.

heirs (shall testify); while in a case of surety, and loans, and fraud, and agreement, the heirs shall testify as witnesses; but, if they refuse, let the judge under oath pass upon their case and declare that (their opponents) have judgment against the witnesses in the amount in question. If a son should become surety while his father is living, he shall be held, himself and the property which he owns.

If any one have a dispute about a venture at sea, or do not reimburse one who has contributed to a venture, should witnesses of age testify,—3 in a case of 100 staters or more, 2 in a case of less down to 10 staters, 1 for still less,—let the judge decide according to the testimony; but, if witnesses do not depose, in case the contracting party comes, whichever of the two courses the complainant may choose, either to make oath of denial, or . . .

A son may give to a mother or a husband to a wife 100 staters or less, but not more; if he should give more, his heirs shall have the property, (only) paying the money if they wish.

*Legality of
Gifts.*

If any one owing money, or under obligation for damages, or during the progress of a suit, should give away anything, unless the rest of his property be equal to the obligation, the gift shall be null and void.

One shall not buy a man while mortgaged until the mortgagor release him, nor one in dispute, nor accept him (as a gift), nor accept a promise or mortgage upon him; and, if one should do any one of these things, it shall be void if 2 witnesses should testify.

Adoption may take place whence one will; and the declaration shall be made in the market-place, when the citizens are gathered, from the stone from which proclamations are made. And let the adopter give to his *hetaireia* a victim and a *prochoös*

Adoption.

40 ἴον καὶ πρόχοον Φοίνω. καὶ || μὲν κ' ἀνέληται πάντα τὰ χρή-
ματα καὶ μὴ συννῆ γνήσια τέκνα, τέλλει μὲν τὰ θίνα καὶ
τὰ ἀνθρώπινα τὰ τῷ ἀνφαναμένῳ κ' ἀναλῆθαι ἥπερ τοῖς γ-
45 νησίοις ἐγ[ρ]ατται· αἱ [δ]έ κ[α μ]ῆ | λῆ τέλλει ἃ ἐγγρατται, τὰ χ[ρ]ῆ-
ματα τὸν ἐπιβαλλόνταν ἐχε|ν. αἱ δέ κ' ἡ γνήσ[ε]α τέκνα τῷ ἀν-
50 φαναμένῳ πεδὰ μὲν τῶν ἐρσ||ένων τὸν ἀμφαντὸν ἥπερ αἱ θ-
ῆ[λε]ται ἀπὸ τῶν ἀδελφῶν λαγχά|νοντι. αἱ δέ κ' ἐρσενες μὴ ἴων-
τι, θήλειαι δέ, [F]ισΦόμοιρον ἡ-

XI μιν τ]ὸν ἀμφαντὸν καὶ μὴ ἐ|πάνανχον ἦμεν τέλλειν τ[ὰ τ-
ῷ ἀν]φαναμένῳ καὶ τὰ χρήμα|τ' ἀναλῆθαι, ὅτι κα κατα[λίπ-
5 ῃ ὁ ἀν]φανόμενος, πλίει δὲ τὸν | ἀμφαντὸμ μὴ ἐπιχωρῆν. [αἱ δ'
ἀπο]θάνοι ὁ ἀμφαντὸς γνήσια | τέκνα μὴ καταλιπών, πὰρ τὸ[ν τ-
10 ῷ ἀν]φαναμένῳ ἐπιβαλλόνταν||ς ἀνχωρῆν τὰ χρήματα. αἱ δ[έ κα
λῆ?], ὁ ἀνφανόμενος ἀποΦειπ|άθθω κατ' ἀγορὰν ἀπὸ τῷ λα[ω, ὃ
ἀπα]γορεύοντι, καταΦελμέν|ων τῶν πολιταῶν. ἀνθέμε[ν δὲ
15 δέκα σ]τατήραν ἐδ δικαστ|ήριον, ὁ δὲ μνόμενος π[ρὸ]δ ξεν-
ίῳ ἀποδότη τῷ ἀπορρηθέντι. | γυνὰ δὲ μὴ ἀμφανέθθω μηδ'
20 ἀνηβος. χρῆθαι δὲ τοῖδδε ἥ||ε τάδε τὰ γράμματα ἐγραψε,
τῶν δὲ πρόθθα ὅπῃ τις ἐχη ἡ ἀ|μφαντυῖ ἡ πὰρ ἀμφαντῷ μὴ ἐτ' ἐ-
νδικον ἦμεν. | Ἄνθρωπον ὅς κ' ἀγῆ πρὸ δίκας,
25 αἰεὶ ἐπιδέχεσθαι. | Τὸν δικαστάν, ὅτι μὲν κατὰ
ματύραν ἐγγρατται δικάδδ|εν ἡ ἀπώμοτον, δικάδδεν ἃ ἐ-
30 γρατται, τῶν δ' ἄλλων ὁμύντ||α κρίνεν πορτὶ τὰ μοιόμεν-
α. Αἷ κ' ἀποθάνῃ ἀργυρον | ὀφέλων ἡ νευκαμένος, αἱ μέ-
ν κα λείωντι οἷς κ' ἐπιβάλλῃ | ἀναλῆθαι τὰ χρήματα, τὰν ἀ-
35 ταν ὑπερκατιστάμεν καὶ τὸ | ἀργύριον οἷς κ' ὀφέλλῃ, ἐχόντ-
ων τὰ χρήματα· αἱ δέ κα μὴ λείωντι, τὰ μὲν χρήματα ἐπὶ τοῖ-
40 ς νικάσανσι ἦμεν ἡ οἷς κ' δ||φέλλῃ τὸ ἀργύριον, ἄλλαν δὲ
μηδεμίαν ἄταν ἦμεν τοῖς ἐπιβάλλονσι. ἀ[λ]ῆθαι δὲ ὅ-

X. 50. αἱπερ F.; ἁπερ C.—53. ἐχεν F.; ἡ[μεν τ]ὸν C.

XI. 4. ἀναλ(ῆ)θαι C.—πλίει F.; πλίει C.—8. [αἱ δέ κ'] F.; [αἱ κ'] C.—10. αἱ
δ[ὲ μὴ λῆι] ὁ C.—12. λα[ῶ] ὁ C.—14—15. ἀνθέμ[εν σ]τατήραν C.; ἀναθέμε[ν δὲ
. . . . σ]ατήραν F.—16. ὁ τῷ κενίῳ C.—22. ἀμπάντι C.; ἀμφαντυῖ F.—24. κα λῆι C.—
25. αἱ ῆ, F.; αἰεῖ: so C.—42. α[λ]ῆθαι F.; ἀ[γ]έθαι C.

of wine. And if he (the adopted) receive all the property and there be no legitimate children, he shall fulfil all the divine and human obligations of his adoptive father, and receive as is written for legitimate children; but, if he be not willing to do as is written, the kinsmen shall have the property. If there be legitimate children of the adoptive father, the adopted son shall receive with the males just as the females receive from the brothers. But, if there be no males, but females, the adopted son shall have an equal share, and it shall not be compulsory upon him to pay the obligations of the adopter and accept the property which the adopter leaves, for the adopted shall succeed to no more (than an equal share with the daughters). If the adopted son should die without leaving legitimate children, the property shall return to the heirs of the adopter. If he wish, the adopter may renounce him in the market-place, from the stone from which proclamations are made, when the citizens are gathered. And he shall deposit ten (?) staters with the court, and the clerk of the court shall pay it to the person renounced as a parting gift of hospitality. A woman shall not adopt, nor a person under puberty. These things shall (now) be transacted as (the law-giver) has written these writings, but in previous cases, however one hold (property), whether by adoption or from an adopted son, it shall still not be void.

If one take action by seizure against a man before trial, (the defendant) shall always receive him under his surety. *Supplemental provisions.*

Whatever is written for the judge to decide according to witnesses or by oath of denial, he shall decide as is written, but touching other matters he shall decide under oath according to the pleadings.

If a person die owing money or having a judgment against him, if those to whom it belongs to receive the property desire, they can pay the damages in behalf of the deceased, and the money to whom it is owing, and then have the property; but, if they do not wish to do so, the property shall belong to those who have won the suit or to those to whom the money is owing, and there shall be no other

πὲρ μ[ε]ν τῷ [πα]τρὸς τὰ πατρῶ|ία, ὑπὲ(δ) δὲ τῷ ματρὸς τὰ μα-
 45 τρώ|ια. | Γυνὰ ἀνδρὸς δ κα κρίνηται,
 ὁ δικαστὴς ὄρκον αἶ κα δικά|σῃ, ἐν ταῖς Fικατε ἀμέραις ἀ-
 50 πομοσάτω παρίοντος τῷ δικα||στῷ· ὅτι κ' ἐπικαλῇ προF[ε]πιδάτ-
 ω [ὁ κατ?]ἀρχων τῷ(δ) δίκας τῇ γυναι|κὶ καὶ τῷ δικαστῇ καὶ [τ]ῷ
 [μυάμ]ονι προτέταρτον ἀντὶ μ-

XII [ατύρων] - - - - -

15 Μαρὶ υἱὸς ἢ ἀ[ν]ήρ γυναικὶ | χορήματα αἱ ἔδωκε ἢ ἔγρατ-
 το πρὸ τῶνδε τῶν γραμμάτων | μὴ ἔνδικον ἦμεν, τὸ δ' ὅστε-
 20 ρον διδόμεν ἢ ἔγρατται. || Ταῖς πατρὸς αἶ κα μὴ
 ἴωντι ὀρφανοδικασταὶ αἶς κ' ἀνῶροι ἴωντι, χορῆθαι κατὰ
 τὰ ἐγραμμένα. ὅπῃ δὲ κα | πατρ[ω]ῶχος, μὴ ἰόντος ἐπι-
 25 βάλλοντος μὴδ' ὀρφανοδικ|αστῶν, παρ τῇ ματρὶ τράφη-
 ται, τὸν πατέρα καὶ τὸν μάτ|ρωα τὸν ἐγραμμένον τ-
 30 ἀ χορήματα καὶ τὰν ἐπικαρπύ|αν ἀρτύεν ὅπῃ κ' ἀνῶνται κά-
 λιστα πρὶν κ' ὀπυῖται. ὀπυῖ|εθαι δὲ θυώδεα Fετία ἢ πρεί-
 γονα.

XI. 47. ὄρκων C.—48. δικάσῃ ἐν τ. F. ἀμέραις, C.—49. δικαστῇ, C.—51. [τὸν δ']
 ἄρκοντα δίκας C.; [τὸ ἐπ]ἄρκον BZ.; [δ' ὁ ἐπ]ἄρκων BB.—53. προτέταρτον: so C.; πρὸ
 τετάρτων F.

XII. 15. υἱὸς C.—23. ὅπῃ: so C.; ὅπῃ[ι] F.—30. κα (νύ)ναιται F., BZ., BB.; κ
 ἀναντα C.

COMMENT.

COLUMN VI. 13. πρίαιτο ἢ κατὰθειτο: πριάμενοι καὶ θέμενοι, Is. 5, 21;
 Dem. 1249; Ditt. S. I. G. 63, 40.

14. ἄλλα . . . ἔγρατται: A clumsy expression indeed (cf. viii, 54; Cauer,
 119, 42).

33. At Athens the property, whether of mother or father deceased, fell
 to the sons as soon as they became of age; until that time it was adminis-
 tered by their guardians. Here the father, if living, still retains control
 of it after they are above 17, unless a stepmother is brought into the family
 (vi, 45), in which case Charondas also put a stigma upon the father (Diod.
 xii, 14).

46—47. δυσπραξίας: τὴν τούτου συμφέραν . . . συναχθεσθεῖς ἐπὶ τῇ ἀτυχίᾳ τῇ
 τούτου, of Nikostratos ransomed from slavery by Apollodoros, Dem. 1248.

loss to the heirs-at-law. The property of the father may be seized in behalf of the father, as also the mother's in behalf of the mother.

If a wife be separated from her husband, in case the judge decide upon an oath, let her take the oath of denial within 20 days in the presence of the judge: whatever he charges let the beginner of the suit announce to the woman and the judge and the clerk of the court, 4 days before in the presence of witnesses . . .

If a son have given property to his mother, or a husband to his wife, as was written before these writings, it shall not be illegal; but, hereafter, gifts shall be made as here written.

If heiresses have no *orphanodikastai* while they are unmarriedable, they shall be treated as written. And where, in default of a groom-elect or *orphanodikastai*, an heiress is brought up by the mother, the father's and mother's relatives that have been described shall manage the property and the income as they can best increase them until she marry. And she shall marry at 12 years or older.

The Athenian law was, τοῦ λυσαμένου ἐκ τῶν πολεμίων εἶναι τὸν λυθέντα, ἐὰν μὴ ἀποδιδῶ τὰ λύτρα, Dem. 1250. I feel no confidence that the correct reading has yet been recovered here.—*ἀλλοκαλίας*: cf. *ἀλλοδημία* [so C.]—*ἐπ' ἀνάγκας ἐχόμενος*: *ἐπ' ἀνάγκης ἢ ἐπὶ δεσμοῦ καταληφθεὶς* = *ἐπὶ ἀνάγκης τινὸς καταληφθέντα*, Dem. 1133, 14–16; Od. δ 557.—*ἐλομένω*: cf. Suidas, *Φαίδων*· ἐντυχὸν δὲ Σωκράτει ἡράσθη τῶν λόγων αὐτοῦ καὶ αἰτεῖ λύσασθαι.

52. τὰν πληθὺν: τὸ πλῆθος τοῦ ἀργυρίου, Cauer, 121, C. 36.

55. The reading here, as given by the copy, is so strange that it is impossible to determine what is meant. Attention is drawn by BZ. to the contrast between the groom's "going" to the free woman (vii, 1), and the free woman to the slave, as implying a difference of condition dependent on the house maintained or accepted by the free woman; and the Roman law, and examples from the "Syr.-Rom. Rechtsbuch," are cited to show a somewhat similar regulation elsewhere.

COLUMN VII. 3. Cf. ἡ γυνὴ πρὶν ὥς Ἀφροβὸν ἐλθεῖν, of marriage, Dem. 873.

9. ἐξείεν: Hm. v, 130: ἐξῆν· ἐξεγένοντο, Hesych.

12. περαιώση: περαιωθῆναι· τελειωθῆναι, Hesych. Plato, Legg. 849. E. discountenances all credits, like the Thurians, Stob. II. Nom. 22. Cf. Plato, Legg. 936 D. E. [Non lasci passare, C.; ne l'a pas vendu, D.; nicht Ziel setzen lässt, BZ.; ins Ausland verkauft, Blass, BB.]

16. The law was the same at Athens (though sometimes violated, Is. 10, 5). The obligation to marry, however, did not cease with the father's brothers and sons, but was determined simply by the laws of consanguinity, Is. 1, 39, 3, 64, 10, 5; Plato, Legg. 924. If the heiress was poor, the next of kin could refuse to marry her, but was bound to give her a marriage-portion corresponding to his own fortune. "Regulations concerning heiresses were an object of chief importance in the ancient legislations, on account of their anxiety for the maintenance of families, as in that of Androdamos of Rhegium (Arist. Pol. ii. 12, 14), and in the code of Solon (Plut. Sol. 20), with which the Chalcidean laws of Charondas appear to have agreed in all essential points (Diod. xii, 18)." (Müller, Dorians, iii, 10, 4; Eng. ed.). Likewise the Spartan and many others, Aryan and non-Aryan. In the event of several heiresses, the Athenian law gave each an equal share in the property, as our code does, and they were severally married to relatives, the nearest having the first choice (Smith, *Dict. Antiq.*, "Epiclerus"). But, if the heiresses were poor (θῆτες), only one need be wedded or portioned (Dem. 1068).

23. ἰψ̄: Used by Hm. in a series, like πρῶτος; π 173, ξ 435-6; BB.

27. μίαν: This seems added in consequence of the inadequate and clumsy expression of the preceding clause. [A second heiress cannot be married by the same person, if the first one has died. C.]

30. ὁ ἐπιβάλλων δπιείν: For this technical expression Herodotos (vi, 57), speaking of Sparta, uses ἐς τὸν ἰκνέεται ἔχειν; Pollux (3, 33), ὁ ταύτη προσήκων, and Andokides (Myst. 117), of the heiresses, αἱ ἐγγίγοντο εἰς τε ἐμὲ καὶ Λέαγρον; cf. εἴτε κατὰ δύσιν αὐτῶ προσῆκεν εἴτε κατὰ γένος, Dem. 1136.

35-50. The minimum marriageable age (ἡβίονσα) for the heiress is 12 (xii, 32), for the groom-elect probably 14 or 15 (ἡβίων), from which time till 17 he was called ἀπόδρομος. During this period he was expected to marry, and if he refused he was deprived of his share of the income of the heiress's estate. But on coming of age (17, δρομεύς), if he still refused, while she was willing, he was summoned before the judge (as the archon at Athens, Dem. 1068) by the heiress's relations and ordered to marry her within two months, at the peril of forfeiting all right to her property. From Strabo, 482, it would seem that such early marriages were necessary only in the heiress-relationship; for he says that, after their release from the ἀγέλαι, the young men were required to marry; and this age is calcu-

lated at 27 or 28 (Schoemann, *Ant.* p. 306). An early age, however, is indicated by Strabo for the bride, by his statement that she was not taken to the home of the groom until she was competent to manage a household. The bride of the Athenian Ischomachos was not yet 15 (Xen. Oik. vii, 5; cf. Dem. 814, 857); and from Demosthenes (1009) we have the case of a youth married at 18.

40. *πρεῖν*: Though elsewhere *πρὶν*: this is to be compared with *πρεῖ-γυς*, *πρεῖ-γυα* (xii, 32); cf. Curt. Et. 472.

51. *φυλᾶς*: "The civic body which bore rule in the states of Crete was without doubt, here as elsewhere, split up into tribes and subdivisions of tribes; but on this we have no particular information, except that we find the Dorian tribal name Hylleis mentioned in Cydonia (Hesych.)" (Schoemann, p. 300). To this scanty evidence should be added the word *ἐμφύλοι* (Cauer, 119, 15), which is supplemented by this code (viii, 6, 11, 13, 26, 32). [Halbherr's collection of inscriptions shows other names of tribes; C. on v, 5.]

COLUMN VIII. 7. ἀποδατῆθαι . . . ἰψ̄: This supplies the deficiency of the expression *διαλαχόνσαν* preceding.

9. According to Plato's provision (Legg. 925), "If there be a lack of kinsmen in a family extending to grandchildren of a brother, or to the grandchildren of a grandfather's children, the heiress may choose, with the consent of her guardians, any one of the citizens willing to accept her hand." Our code is measurably more generous to the heiress than the Athenian or the Platonian, as indeed the position of women in general is more independent, as it was at Sparta. Plato, while following the ordinary principles of Greek law in relation to heiresses, is yet fully sensible of their oppressiveness and hardship (Legg. 925-6), and acknowledges that there will be cases in which the parties will refuse to obey, and be ready to do anything rather than marry, when there is some bodily or mental malady or defect, especially insanity, in one party or the other. He accordingly provides that such cases may be brought before the guardians of the law or the court for adjudication.

20-29. *νόναται*: I connected this with *νο-στάω*, in the sense of "consent" (*ἐκούσιον ἐκουσία*, Plat. Legg. 925 A); but the adj. *νονατόν* in C.'s minor inscription seems to demand the sense of "able," as if for *δυνατόν* (*δύναται*). At Athens a daughter without brothers was regarded as an heiress (*ἐπίκληρος*), as well during her father's lifetime as after his decease (Pollux, 3, 33). In the Gortynian code she is not so, till the death of her father, nor then if she have brothers. The text here contemplates her having been married off by her father, or after his death by a brother. In the first case, she would become heiress at her father's decease if she had no brothers, in the second, after the brother's death. In the latter

event, at Athens her previous marriage could be dissolved directly by judicial decision, her hand being demanded in court by the nearest of kin, as was often done (Is. 3, 64; Dem. 863, 867) whether there were children of the marriage or not. The claimant, however, could forego his rights, if he pleased (Is. 10, 5). Here, on the contrary, it appears that the marriage was regarded as dissolved by the very fact of her thus becoming an heiress, and, if children had been born, it rested with herself and husband to remarry, or, if she pleased, she might wed anyone else of the tribe, by surrendering half the property to the husband and children—a provision which again exhibits the humanity of our lawgiver in striking contrast even to Plato.

36–40. Cf. ἀποτειδάντων οἱ ἐπιδόμοι τῶν νόσμων, Cauer, 119, 33. Sojourn abroad (ἀποδημία) is given in Isaïos (2, 12), as a reason why a brother at home should be selected for adoption in preference to the absentee. Plato would give permission to the heiress to select some one who has gone forth to a colony and bring him back, provided she had no kinsmen (Legg. 925).

42. Plato admits the brother by the same mother among those whom the heiress is to wed, if he has no allotment of land in the community (Legg. 924 E).

45. διαλαμβάνειν: BB. would take the subject from the following clause. In any event the moiety that passes into the hands of the πατρώας goes to the groom-elect (vii, 29–35).

47. ἰδίῃς: The Dorians of southern Italy used ἰάσσα (Ahrens, ii, p. 325). [So C., *et om.*]. The partic. here represents the temporal clause preceding (cf. Hm. § 461).

51. According to Diodoros (xii, 15) the Katanian lawgiver Charondas wrote, that the nearest kinsmen of the father should manage the property of orphans, but that they should be brought up with the mother's relatives (cf. Diog. Laert. Solon, ix; and the old Scotch and French law). The historian praises this regulation highly, because the relatives on the mother's side are not heirs to the property and will therefore not plot against the orphans' lives; while the father's kinsmen are unable to do so, since the orphans are not entrusted to their care. On the other hand, the property which may fall to them by the death of the orphans they will manage with the greater care, in the hope that it may ultimately come into their possession. According to the hypothesis of Is. 10, the father's brother was the legal guardian of the children of the deceased at Athens; cf. Is. 1, 9; Dem. 814.

COLUMN IX. 5. Lysias, as cited by Suidas (ἔγγιστον), quoted a law at Athens to the effect, that all money belonging to orphans should be vested in mortgages, but in no other security. [C.'s reading is opposed to the

general principle of the code as enunciated vi, 7-23. Whatever may correctly supply the lacunae here, it cannot be that the guardians would be permitted to sell property forbidden to a father. BB. have rightly seen this.]

18. See Plat. Legg. 914 C., and the inscription from Zeleia, Ditt. S. I. G. 113, 18-21: ἦν δέ τις ἀμφισβητῇ φᾶς πρίασθαι ἢ λαβεῖν κυρίως παρὰ τῆς πόλεως, διαδικασίην αὐτῷ εἶναι, καὶ εἰάν φανῇ μὴ ὀρθῶς ἐκτελεμένου, τὴν τιμὴν αὐτὸν ἐκτίνειν ἡμιυλίων.

26. ἐνκοιωτάνς (ix, 35; Blass, BB.) relieves this passage of much difficulty. At the best we can do no more than guess at the meaning as a whole. ἐνκοιωτάνς is referred to the Hesychian gloss, κοῖτον· ἐνέχυρον, money for which a pledge is given.—διαβαλόμενος: defraud; Ionic and old Attic. BZ.

32-33. δικαστᾶς: Cf. Dem. Neair. 40: τούτων αὐτὸν μάρτυρα ὕμιν τὸν τότε πολέμαρχον παρέξομαι.—μνάμων: This word, occurring in inscriptions from Halikarnassos, Iasos, etc., is described by Aristotle (Pol. vii, 8), as the title of the officer before whom all private contracts and the decisions of the courts of law have to be registered, indictments laid, and preliminary proceedings in a lawsuit taken.—πολιτεύειν may refer to the possibility of his being abroad at the time of the case coming up again (cf. οἱ ἐπιδάμοι τῶν κόσμων, Cauer, 119) [so Blass], or of his having suffered ἀτιμία; or, if a mere scribe, of his being a slave. But it may be doubted if any written records of the court were actually kept; none seem here implied. We are reminded of the Homeric supercargo who was φέρτω μνήμων, θ 163. In the Gortynian inscription, Bull. Cor. Hellén. 1885, p. 19, the μνάμων of the *kosmoi* is the brother of the eponymous *kosmos*. The ordinary Greek γραμματεὺς occurs in the Drerian inscription, Cauer, 121.

36. ἀποφείποντι: Cf. xi, 11, and Is. 2, 33: αὐτοὺς παρέξομαι μάρτυρας, εἰάν ἐθέλωσιν ἀναβαίνειν (εἰσὶ γὰρ τούτων οἰκεῖοι); Dem. 850; Is. 9, 18; Aischin. Tim. 71.

40. νικῆν: Cf. νίκης, τὴν μιν ἐγὼ νίκησα, Hm. λ 545.

41-43. Is this a penalty, or a restriction? Cf. iv, 29-30.

44. πέραι = πείρα C.; cf. χρέως, χρεῖως, ας συνπλείζῃ for συνπλέζῃ (cf. πλίσσουμαι, *plicare*).

47. μέττι: μέστα occurs in the Kretan inscription, Cauer, 120, 40, and the Arkadian, 457, 30.—Plato recommends that a transaction in cases of surety, be witnessed by 3 persons if the sum be under 1000 drachmas, five if above (Legg. 953). If contributions to ventures abroad are really meant in this passage, the feature which contemplates the possibility of a single drachma is truly interesting.

COLUMN X. 15-18. Cf. xii, 15.—λείωντ': The emphatic position seems to throw the stress here. The heirs need not pay a legacy above 100 staters, unless they wish. Plato is more peremptory in the case of the gift

of a fixed sum for marriage garments, which, if exceeded, shall be forfeited to Hera and Zeus, and a fine of equal amount exacted, Legg. 774 D.

20-24. In the Delphian inscription, Ditt. S. I. G. 462, it is said of a slave emancipated under certain conditions: *εἰ δὲ τινὶ ζώων δούσιν ποιέουται τῶν ἰδίων Σώσος, ἀτελής ἂ ὧν ἔστω.*

25-28. To make Ἀνθρωπον subject is contrary to the spirit of the language of the code.—*δέξαθαι*: Cf. *εἴ γε μηδὲ δούλων ἀκρατῇ δεξαίμεθ' ἄν*, Xen. Mem. i, 5, 3. Second mortgages were not forbidden at Athens (Dem. 930), except by special contract (Dem. 926), nor at Ephesos, Ditt. S. I. G. 344, 34.

33. Adoption at Athens could take place from any citizen's family, though usually confined to relatives, and only when the adoptive father had no legitimate male children (Hypoth. Is. 10), or had renounced those he had, though he might adopt in his will, the act to take effect in the event of his sons dying before they reached their majority, or in the event of his having none at all. If he died childless and intestate, the next of kin became a *quasi* adopted child. After taking the adopted son to his house, on a certain day, regularly that of the *Thargelia* (Is. 7, 15), he brought him before the *phratores*, offered a sacrifice, and swore on the altar that the adopted son was an Attic burgher, and he called his *phratores* to witness that he adopted him as his son. Enrolment then took place in the register of the phratry, as later in that of the deme (Meier and Schoemann, *Att. Proc.* p. 437; Isaios, *passim*). The adopted son succeeded to all rights and responsibilities of legitimate children, the *sacra* (Is. 2, 10, 36-7, 46), payment of debts, etc. If there were natural sons born to the father after adoption, the adopted received an equal share with the son (Is. 6, 63). Were there daughters of the family into which he was adopted, he was expected to marry one of these, and probably adoption could not take place without this provision (Is. 10, 13). If the act took place by will, he might be directed to receive only a part of the estate, as a third or half (cf. *Dikaiogenes*, Is. 5). In this case he was probably compelled to pay at least his share of the father's debts (cf. Dem. Lakr. 4); if not, the custom would be something like that of our code where there are daughters, when the adopted son was at liberty to decline the obligation. According to Greek sentiments, one would hardly expect him to be relieved of the *sacra*, though they were often costly and troublesome. That he could decline these, is not distinctly stated, though it seems implied, in this code (xi, 2-3). As here, so at Athens, no woman or minor could adopt (Is. 10, 10).

The first 15 lines of column xi., though published in 1863, were not properly explained till 1878, by Bréal (*Rev. Arch.* xxxvi). There could

have been no difficulty with it, if the preceding part had come to light at the same time.

36. ἀπαγορεύοντι: ἀπαγορεύει ἀποφαίνεται, Hesych.

38. ἑταιρεία: Dosiadas (Athen. 143) says that all Kretan citizens were divided into ἑταιρείαι, and these were also called ἀνδρεία, which is the old Dorian word for mess-companies (*syssitia* at Sparta, in the historic period). Each citizen contributed one-tenth of the produce of his land to his *hetaireia*, and this body made over the total amount of all these contributions to the state treasury, or rather to that division of it from which the expenses of the *syssitia* were to be defrayed (Schoemann, p. 307). In the Drierian inscription, fines laid on the *kosmoi* for the non-performance of duty are also to be divided among the *hetaireiai*. Such regulations support the keen-sighted remark of Hoeck (*Kreta*, iii, p. 126), that these *hetaireiai* formed close mess-companies, at the foundation of which probably lay an earlier tribal division and distinction of family (Dass dieser Einrichtung eine frühere uns unbekannt gebliebene Stammeintheilung und ein Geschlechter-Unterschied zum Grunde lag, wird warscheinlich). This becomes still clearer from the fact that in matters of adoption the *hetaireia* corresponded to the Athenian *phratría*. The frugal supply of wine, a small pitcher full, points again to an early period, as the victim at Athens was called μεῖων (Pollux, 3, 53). It is true that frugality in meats and drinks, especially wine (Plat. Min. 320), was a characteristic of the Kretan people; but at the ordinary meals a bowl of wine was placed on the table, and then a second, after the meal was over (Athen. 143).

42-3. θίνα καὶ ἀνθρώπινα: θείων καὶ ἀνθρωπίνων, Kretan inscription, C. I. G. 2554 (new reading from the stone, θίνων καὶ ἀνθρωπίνων, Comparetti, Museo Italiano, i. p. 144); θείων καὶ ἀνθρωπίνων, Cauer, 118.

COLUMN XI. 5-6. πλίυι: More than the daughters,—to houses, cattle, etc., as a son would (iv, 31-43). [C. conceives the meaning to be "the adopted son shall not transmit it further by adoption."]

10. So at Athens, Dem. 1100.

11. The Athenian ἀποκέρυξις, admissible at least in case of legitimate sons (Dem. 1006, Plat. Legg. 929; ἀπείπασθαι, Hdt. i. 59). Repudiation of an adopted son was also permitted, even after his marrying a daughter of the adoptive father, as seen in the case of Leokrates, Dem. 1029.

15. I have supplied δέξα as double the gift of ii, 52, where it is the amount presented to the wife when renounced by the husband.—[δικαστήριον: probably the building on whose walls the code was inscribed, BZ.]

16. ξενίω: This may correspond to the Homeric ξενήτιον, as the gift of hospitality presented to the guest at parting, and would thus be an assurance that the repudiation was done in all friendly feeling (cf. Cauer,

118, 15: *δόμεν αὐτοῖς ξένια ἀργυρίω μῶν*); or it may be read *Ξενίω* "in propitiation of Zeus Xenios"; cf. Athen. 143, f. [C., reading *τῷ ξενίῳ*, refers it to a tribunal, *Ξενικὸν δικαστήριον*, Pollux, 8, 62.]

20. *ἔγραψε*: For *ἐγράφθη*, by assimilation, C.

21. *ἀμφαντοῖ*: Dat. of *ἀμφαντός*, as *ὀρχηστός*, etc. [So also Blass; and Dittenberger, *Hermes*, 1885, p. 577.]

24. It will be noticed that the remainder of the code is mainly explanatory and supplementary to the preceding, as if it was originally intended to stop here, but additional provisions were found necessary or advisable, as in the Twelve Tables at Rome.

25. *ἐπιδέχεσθαι*: I understand this as supplying a fact that seems taken for granted in i, 2-25, but is now distinctly enjoined, namely, that the slave, when set at liberty after seizure by the complainant, shall be received by his master, who shall be responsible for him till the decision of the judge; and, in the case of the free man, the *assertor in libertatem* shall do likewise, as implied in *ὁ ἔχων*, i, 24. "Toute personne qui voudra transiger avant jugement sera toujours reçue à le faire," D.; "L' uomo che voglia (ammettere quanto reclama chi lo cita in giudizio) ammetta in ogni caso prima del processo," C.; "Einen Menschen, wer ihn wegführt vor dem Rechtstreit, nehme man immer an sich," BZ.

45-53. Notwithstanding the expression *γυνὰ ἀνδρός* (which, however, is to be compared with iii, 41), this appears a mere supplement to iii, 5-7, where the husband has brought suit against the wife for recovery of property claimed to have been wrongfully taken. If the judge decide that she may take her oath of exculpation, it shall be done within twenty days, but 4 days previously the complainant shall announce his charges. [So BZ., Blass; C. and D. of the woman suing for divorce from husband, of which we know so little at Athens.]

53. *πρυτέταρτον*: This seems preferable to F.'s *πρὸ τετάρτων*, although singular. [So C., *et om.*] Cf. *προσκαλεσάμενος πρόπεμπτα*, Dem. 1076, 75; *πρότριτα*, Thuk. ii, 34, Arist. Pol. vii, 8, 7 (1321). If *πρό* be retained as a separate preposition, its usage in this sense at so early a date finds support from Hdt. vii, 130, 138; cf. Cauer, 119, 42.

COLUMN XII. 16. *ἔγραπτο*: Clear evidence that a written code preceded the present one, as that of Drako before Solon's; and like Drako's it was in great part superseded by the one we now have, in matters of private relations.

21. *ὀρφανודικασταί*: One would naturally expect this word to be equivalent to the *ὀρφανισταί* of Photios: *ἀρχὴ ἐπὶ τῶν ὀρφανικῶν· ὅσα μὴ δὲν ἀδικῶνται*; or Xenophon's *ὀρφανοφύλακες* (Vectig. 2, 7), or the Archon Eponymos at Athens (Dem. 1076). But what kind of a public office could be that in which an interregnum during an heir's minority would

be conceived to exist? It seems to me more likely that these are guardians appointed by the father before his death. Plato (Legg. 924 B) prescribes that, if a father die intestate, the next of kin, two on the father's and two on the mother's side, and one of the friends of the deceased, shall have the authority of guardians (cf. 766 C). Or it may mean the grandfather, who might be alive during the youth of the heiress. [Not public officials; probably appointed by father, C.]

27. *πάτρωα*: According to the requirements of the case, this cannot mean the father's brother, as elsewhere, but must be some more distant relation on the father's side (cf. *μάτρωα* in Pindar and Eur.). [Grandfather, C.]

28. *τὸν ἐγγραμμένον* should refer to viii, 44-52, ix, 1-4.

30. *ἀνᾶνται*: *ἀνη* · *ἀνυσις*, Hesych.; hence *ἀνάω*. *ἀνυσις* · *αὔξησις*, Hesych. *τὸ τοίνυν χωρίον τὸ ἐκείνου πατρῶον ὁ πατήρ ὁ ἐμὸς* (as guardian) *ἐφύτευσε καὶ ἐγεώργει καὶ ἐποίει διπλασίον ἄξιον*, Is. 9, 28.

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